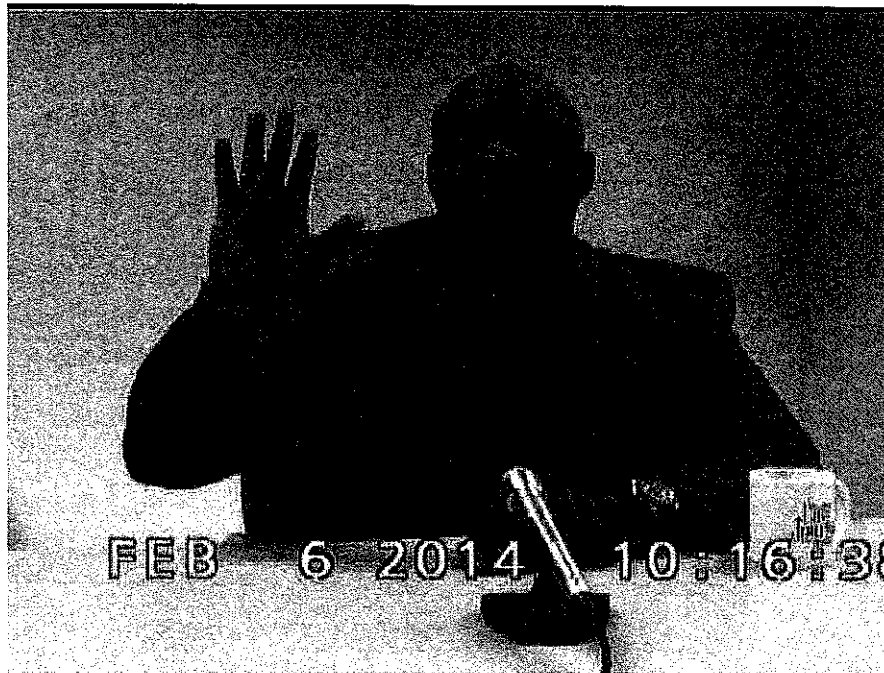


United States District Court
Eastern District of Wisconsin

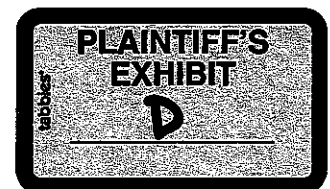
Estate of Perry v. Wenzel
12-CV-664



Video Deposition of
Karl Robbins

Recorded 02/06/2014 in Milwaukee, WI
10:17 am - 1:51 pm, 164 mins. elapsed

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20314 Condensed transcript with index

Video Deposition of Karl Robbins 2/6/2014

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<p>Page 1</p> <p>Witness Karl Robbins</p> <p>Thursday 02/06/2014 at 10:15 by: Claire Ziffer</p> <p>Milwaukee City Attorneys Office 841 N. Broadway #716 Milwaukee, WI 53202</p> <p>Estate of Perry v. Wenzel 12-CV-664 United States District Court Eastern District of Wisconsin</p>	<p>Page 3</p> <p>1 Michael L. Johnson 2 Otjen, Gendelman, Zitzer, Johnson & Weir, S.C. 3 20935 Swenson Dr. #310 4 Waukesha, WI 53186 5 On behalf of Aurora Healthcare Metro, Inc. 6 7 Mark E. Larson 8 Gutglass, Erickson, Bonville & Larson 9 735 N. Water St. #1400 10 Milwaukee, WI 53202-4267 11 On behalf of Paul Coogan, M.D. 12 13 Patrick D. McNally 14 Borgelt, Powell, Peterson & Frauen, S.C. 15 735 N. Water St. #1500 16 Milwaukee, WI 53202 17 On behalf of Injured Patients and Families Compensation 18 Fund 19 20 21 22 23 24 25</p>
<p>Page 2</p> <p>1 APPEARANCES 2 James J. Gende 3 Gende Law Office, S.C. 4 N28 W23000 Roundy Dr. 5 Pewaukee, WI 53072 6 On behalf of the Plaintiffs 7 8 Christopher P. Katers 9 Judge, Lang & Glynn, S.C. 10 8112 W. Bluemound Rd. #71 11 Milwaukee, WI 53213 12 On behalf of the Plaintiffs 13 14 Charles H. Bohl 15 Whyte Hirschboeck Dudek S.C. 16 555 E. Wells St. #1900 17 Milwaukee, WI 53202 18 On behalf of the Milwaukee County Defendants 19 20 Susan E. Lappen 21 Milwaukee City Attorneys Office 22 841 N. Broadway #716 23 Milwaukee, WI 53202 24 On behalf of the City of Milwaukee Defendants 25</p>	<p>Page 4</p> <p>1 INDEX 2 EXAMINATION BY PAGE NO. 3 Mr. Gende 4 4 EXHIBIT NO. PAGE NO. 5 47 - Amended notice of deposition 10 6 48 - SOP MPD. 13 7 49 - MPD incident report Bates 67-69. 62 8 (The exhibits were retained by Mr. Gende) 9 (The sealed original transcript was sent to Mr. Gende) 10 11 EXAMINATION 12 BY MR. GENDE: 13 Q Sir, please state your name and spell your last name 14 for the record? 15 A Karl Robbins. Robbins, R-o-b-b-i-n-s. 16 Q Mr. Robbins, I'm going to ask you a series of 17 questions regarding your involvement with Mr. Perry on 18 the day that he died. If you don't understand my 19 question, please tell me so and I'll attempt to 20 rephrase it in a manner that's more clear. Okay? 21 A Okay. 22 Q If you answer my question, I will assume that you 23 understood it. Is that fair? 24 A Yes. 25 Q All your answers must be in a verbal manner because</p>

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2 (Pages 5 to 8)

<p style="text-align: center;">Page 5</p> <p>1 the court reporter cannot take down nods of the head 2 or shrugs of the shoulders. Okay?</p> <p>3 A Okay.</p> <p>4 Q Finally, please allow me to ask my entire question 5 before you attempt to answer, and I will afford you 6 the same courtesy so that we may keep the record 7 clear. Fair enough?</p> <p>8 A I hope so.</p> <p>9 Q Can you give me an overview of your educational 10 background?</p> <p>11 A Oh my God. Okay.</p> <p>12 Q After high school.</p> <p>13 A After high school. Yes. I have a associate degree 14 from MATC. I have a bachelor's degree from Concordia 15 University. I have a bachelor's degree from UWM. 16 Would you like to know what they are in, entail?</p> <p>17 Q Sure.</p> <p>18 A Okay. The associate degree was in police science. 19 The bachelor degree from Concordia University is in 20 criminal justice. The bachelor degree from UWM is in 21 theater. Plus, I have a master degree from Marquette 22 University in the administration of justice and a 23 graduate certificate in leadership studies.</p> <p>24 Q I'm sorry. The master's at Marquette was in regards 25 to?</p>	<p style="text-align: center;">Page 7</p> <p>1 A March 11, 1985.</p> <p>2 Q And can you give me a brief overview of your 3 employment history for the five years prior to your 4 appointment to the MPD?</p> <p>5 A I was assigned as a patrol officer in -- When I first 6 came on I -- Five years? Basically, I did -- You 7 know, my duties were traffic stops, walking the beat 8 in the comm-- in the community, community policing. 9 Plus, I was assigned plainclothes vice-squad work, 10 undercover drug buys. Generally, traffic duties and 11 community policing, walking the beat, vice-squad, 12 until I got promoted.</p> <p>13 Q That was your first five years on the police 14 department.</p> <p>15 A Right.</p> <p>16 Q Prior to your appointment on the police department, 17 the five years before, can you give me an overview of 18 what your employment history was? Before you came on.</p> <p>19 A Oh, before I came on?</p> <p>20 Q Correct.</p> <p>21 A Oh, I was a lifeguard for the Milwaukee County 22 Lifeguard Corps.</p> <p>23 Q From 1980 to '85?</p> <p>24 A 1975 to '85.</p> <p>25 Q When you were promoted in 1990, what was the</p>
<p style="text-align: center;">Page 6</p> <p>1 A Administration of justice, criminal justice, 2 basically.</p> <p>3 Q When did you get your theater degree from UWM?</p> <p>4 A In 1999.</p> <p>5 Q Have you done any movies?</p> <p>6 A I did some movies, theater, stage work, commercials.</p> <p>7 Q What would you list as the top 5 credits for your 8 theater career?</p> <p>9 A Well, if you go to New York -- New York City, I did a 10 -- Well, I would say the commercial. I did a national 11 commercial, PowerHouse candy bar commercial. I don't 12 know if anybody still is probably young, too young to 13 remember that.</p> <p>14 INTERCOM: Ms. Lappen, please call 4802, Ms. 15 Lappen.</p> <p>16 MS. LAPPEN: Excuse me.</p> <p>17 MR. GENDE: Should we go off the record?</p> <p>18 MS. LAPPEN: Yeah, please.</p> <p>19 MR. GENDE: Off the record.</p> <p>20 THE REPORTER: Off the record.</p> <p>21 (Off the record 10:19 - 10:19)</p> <p>22 THE REPORTER: We're back on the record.</p> <p>23 BY MR. GENDE:</p> <p>24 Q Sir, when did you become employed with the Milwaukee 25 Police Department?</p>	<p style="text-align: center;">Page 8</p> <p>1 promotion?</p> <p>2 A I was a -- That would be 1993. I was a police 3 sergeant.</p> <p>4 Q And did your duties change?</p> <p>5 A Could you repeat?</p> <p>6 Q Did your duties change --</p> <p>7 A Oh, yes.</p> <p>8 Q -- when you became a sergeant?</p> <p>9 A Definitely. I had to supervise people, employees, 10 officers.</p> <p>11 Q And how long were you a sergeant?</p> <p>12 A I was a sergeant until 2006.</p> <p>13 Q And then what promotion did you receive?</p> <p>14 A A lieutenant.</p> <p>15 Q And did your duties change?</p> <p>16 A Yes.</p> <p>17 Q And tell me how your duties changed.</p> <p>18 A I was more of an administrative person, not going out 19 on the streets. I would stay in and review reports, 20 making sure I was responsible for sergeants and police 21 officers, civilian employees. More or less 22 administrative.</p> <p>23 Q When were you first assigned to the Prisoner 24 Processing Section? I don't need a specific date. 25 General will work.</p>

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<p style="text-align: center;">Page 9</p> <p>1 A I would have to look at a reports. I can't tell you 2 exactly when I was -- As a sergeant, I was assigned 3 there in 1995. As a lieutenant, I can't recall the 4 date. 5 Q Do you know if it was in 2009? 6 A Yeah. Mm-hmm. 2009. That seem to be accurate. 7 Q And tell me how your duties were different as a 8 sergeant at PPS as opposed to a lieutenant at PPS. 9 A It wasn't different. It was similar. I mean, you had 10 to review all the prisoners reports, making sure the 11 prisoners were secure and safe, not mistreated. The 12 duties were similar. 13 Q Do you recall a sergeant being on duty September 13th, 14 2010, when Mr. Perry was at the PPS? 15 A Yes. 16 Q And what do you recall the sergeant's name being? 17 A I think that was Sergeant Tayo Adencken. He was in 18 charge when I arrived to work that day. 19 Q And then was he relieved of his duties when you 20 arrived? 21 A Yes. 22 Q So you took over for him as the -- 23 A Right. Because he works first shift and I work second 24 shift. 25 Q And then you became the commanding officer?</p>	<p style="text-align: center;">Page 11</p> <p>1 deposition today, correct? 2 A That's correct. 3 Q Other than the documents that you have in front of 4 you, did you review anything else in preparation for 5 your deposition here today? 6 A No. 7 Q Did you meet with Ms. Lappen in preparation for your 8 deposition? 9 A Yes. 10 Q On how many occasions? 11 A Twice. 12 Q When was the first occasion? 13 A That -- I believe that was on January 3rd. 14 Q And how long did you meet with her for? 15 A I would say about approximately an hour. 16 Q Was anybody else present? 17 A Yes. 18 Q Who else was present? 19 A Two other officers. 20 Q Do you recall their names? 21 A I don't recall their names. 22 Q And the second time you met with Ms. Lappen was when? 23 A Today. 24 Q And how long were you meeting with Ms. Lappen this 25 morning?</p>
<p style="text-align: center;">Page 10</p> <p>1 A Yes. 2 Q Who was next in the line of command on that evening, 3 after yourself? 4 A I was in charge. I'm in charge of the jail once I 5 took over. 6 (Exhibit 47 identified) 7 Q Okay. Sir, I'd like to show you what we've marked as 8 Exhibit No. 47, which is the Amended Notice of 9 Deposition requiring your appearance here today. Had 10 you seen this document prior to it being amended? 11 A No. 12 Q Pursuant to this document, you were required to bring 13 with you anything you reviewed in preparation for your 14 deposition. Did you do that? 15 MS. LAPPEN: Did you leave it in the office? 16 THE WITNESS: Yes. It's still in the 17 office. 18 MS. LAPPEN: Okay. I'll go get it. 19 MR. GENDE: Let's go off the record. 20 THE REPORTER: Off the record. 21 (Off the record 10:24 - 10:25) 22 THE REPORTER: We're back on the record. 23 BY MR. GENDE: 24 Q Sir, it appears that you have in front of you 25 documents that you reviewed in preparation for your</p>	<p style="text-align: center;">Page 12</p> <p>1 A About 30 minutes. 2 Q Was there anybody else present at that time? 3 A No. 4 Q May I see the documents that you have in front of 5 you... 6 A Yes. 7 Q ...that you reviewed in preparation? Thank you. Have 8 you reviewed any deposition testimony in this case? 9 A No. 10 Q Have you spoke to any other officers about this case 11 after their depositions? 12 A No. 13 Q Did you review the internal investigation as it 14 relates to your involvement with Mr. Perry? 15 A No. 16 Q Did you review the video at PPS that showed you and 17 other officers and their interaction with Mr. Perry? 18 A Yes, briefly. 19 Q And when did you review that video? 20 A I -- When I had an internal deposition. 21 Q Internal Affairs? 22 A Right. 23 Q Okay. And that would have been in 2012? 24 A Yes. 25 Q Was that the first time you had seen that video?</p>

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<p style="text-align: center;">Page 13</p> <p>1 A Yes.</p> <p>2 Q And was that the last time you've seen that video?</p> <p>3 A That's the last time, yes.</p> <p>4 Q Sir, I'm going to show you what we've marked as</p> <p>5 Exhibit No. 48. Can you describe that document for</p> <p>6 the record? Can you describe that document for the</p> <p>7 record? What is it, sir?</p> <p>8 (Exhibit 48 identified)</p> <p>9 A Yeah. It's a SOPs, standard operating procedure.</p> <p>10 Part of our SOPs for the Milwaukee Police Department.</p> <p>11 Q How were you trained on SOPs for the Milwaukee Police</p> <p>12 Department?</p> <p>13 A You basically, I mean, you read it, you go over --</p> <p>14 review the SOPs. Every time you go to a different</p> <p>15 division or a different location, it's by reading,</p> <p>16 reading the SOPs and some -- And during in-services --</p> <p>17 in-service during training, we go over SOPs. So it's</p> <p>18 updating. And SOPs are constantly being updated, so</p> <p>19 we constantly read them as they come to our attention.</p> <p>20 Q And you would agree that all police officers at the</p> <p>21 Milwaukee Police Department, their conduct is governed</p> <p>22 by the department's standard operating procedures,</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q This particular SOP, Bates stamped MPD00429, discusses</p>	<p style="text-align: center;">Page 15</p> <p>1 medical emergency for an individual that's under your</p> <p>2 custody and control.</p> <p>3 A Be more specific.</p> <p>4 Q Is there a SOP that a police officer follows to</p> <p>5 determine whether or not an individual that they</p> <p>6 observe is in jeopardy of suffering from a medical</p> <p>7 emergency?</p> <p>8 A I don't think it's a specific SOP. It's -- Can I</p> <p>9 explain?</p> <p>10 Q Please.</p> <p>11 A Okay. If a prisoner comes in, we go through a medical</p> <p>12 screening with the prisoner. We ask him questions.</p> <p>13 The questions could be, you know, "Are you ill?" "Are</p> <p>14 you suffering for anything?" If he says, "I have</p> <p>15 asthma. I left my pump at home." If I -- "I'm a</p> <p>16 diabetic. I need my insulin shots right now, or my</p> <p>17 pills," at that point, that help us make a</p> <p>18 determination whether this person need medical</p> <p>19 assistance. You know, if he needs medical assistance,</p> <p>20 we basically call the fire department. The fire</p> <p>21 department responds, they take blood pressure. If he</p> <p>22 needs to be conveyed -- If they make a decision he</p> <p>23 needs to be conveyed to the hospital, then he goes to</p> <p>24 the hospital.</p> <p>25 So by asking him medical questions, that help us</p>
<p style="text-align: center;">Page 14</p> <p>1 prisoner processing and screening, correct?</p> <p>2 A Correct.</p> <p>3 Q And it apparently amends a prior general order that</p> <p>4 was dating back to October 15th, 2010. Does that look</p> <p>5 correct, under the "Action" paragraph?</p> <p>6 A I don't quite understand.</p> <p>7 Q Do you know if this SOP was in force on the day that</p> <p>8 Mr. Perry died?</p> <p>9 A Yes, it was in force.</p> <p>10 Q Pursuant to this procedure, the PPS supervisor in</p> <p>11 charge was responsible for the well being of all</p> <p>12 prisoners at PPS and had the authority to reject</p> <p>13 prisoners for medical reasons, correct?</p> <p>14 A Yes.</p> <p>15 Q Including those on investigative holds, true?</p> <p>16 A True.</p> <p>17 Q And that would have been equally true on September</p> <p>18 13th, 2010?</p> <p>19 A Yes.</p> <p>20 Q Have you ever received training on how to identify a</p> <p>21 medical emergency for an individual who is under your</p> <p>22 custody and control?</p> <p>23 A I'm not a doctor, if that's what you're asking.</p> <p>24 Q No, I'm not asking if you're a doctor. I'm asking if</p> <p>25 you have received training in being able to identify a</p>	<p style="text-align: center;">Page 16</p> <p>1 make a determination. But to -- If I see a person</p> <p>2 besides physically fall out and go through seizures,</p> <p>3 that's obvious he needs medical -- that he's going</p> <p>4 through a crisis, he needs medical attention. That's</p> <p>5 no problem. But as far as if he comes in asking</p> <p>6 questions, medical questions, and he needs medical</p> <p>7 attention, then we'll -- we'll provide that for him.</p> <p>8 Q In addition to the verbal inquiry that you've</p> <p>9 described, you mentioned a visual type --</p> <p>10 A Right.</p> <p>11 Q -- inspection; that if you saw somebody pass out --</p> <p>12 A Right.</p> <p>13 Q -- or seize, that it would be obvious that they needed</p> <p>14 medical attention, correct?</p> <p>15 A Correct.</p> <p>16 Q Do you do any further or other type of visual</p> <p>17 inspection for individuals to determine whether or not</p> <p>18 they're in need of medical attention?</p> <p>19 A No.</p> <p>20 Q So if an individual came in bleeding from the mouth or</p> <p>21 nose, that wouldn't suggest to you a medical</p> <p>22 emergency?</p> <p>23 A Not a medical emergency, no.</p> <p>24 Q If a person came in who was bleeding from their chest</p> <p>25 or their rectum, would that suggest a medical</p>

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5 (Pages 17 to 20)

<p style="text-align: center;">Page 17</p> <p>1 emergency to you?</p> <p>2 A Hopefully not, because I would have been upset with</p> <p>3 the officer that brought him in here. He would have</p> <p>4 went back. He would have been told, instructed to</p> <p>5 take him to the hospital.</p> <p>6 Q So in your opinion, the only visual inspection which</p> <p>7 would suggest a medical emergency would be if a person</p> <p>8 loses consciousness in your presence or suffers a</p> <p>9 seizure in your presence, correct?</p> <p>10 A Correct.</p> <p>11 Q Are you aware of any policy or procedure in which</p> <p>12 either yourself or Milwaukee police officers are</p> <p>13 trained that once a person who was sent to the</p> <p>14 emergency room for a medical emergency while they were</p> <p>15 in Milwaukee Police Department's custody and care,</p> <p>16 that upon release they could not suffer from another</p> <p>17 medical emergency?</p> <p>18 A There is no policy or procedure for that.</p> <p>19 Q Is that a general understanding at the Milwaukee</p> <p>20 Police Department that if somebody in their care and</p> <p>21 custody has a medical emergency, is sent to the</p> <p>22 emergency room, is medically cleared to return to the</p> <p>23 police department --</p> <p>24 A Right.</p> <p>25 Q -- that that person could no longer suffer from a</p>	<p style="text-align: center;">Page 19</p> <p>1 occurs often.</p> <p>2 Q Can you describe for me some of the occasions that you</p> <p>3 recall that occurrence happening?</p> <p>4 A Sure. A person basically was given -- is a asthmatic,</p> <p>5 comes back, I mean, it's not the correct medicine.</p> <p>6 You know, then we took him back out. A diabetic,</p> <p>7 insulin didn't work. His sugar is still low.</p> <p>8 Seizures. You know what I mean, a person basically</p> <p>9 still suffering from seizures, still collapsing.</p> <p>10 We'll take that person back to the hospital. I've</p> <p>11 seen that occur.</p> <p>12 Q And on those occasions when additional medical</p> <p>13 emergencies emerged after the individual had been</p> <p>14 cleared by the emergency room, were you able to</p> <p>15 visually observe the deteriorated condition of that</p> <p>16 individual?</p> <p>17 A Yes.</p> <p>18 Q When you had an opportunity to review the reports as</p> <p>19 it relates to your preparation for this deposition and</p> <p>20 Mr. Perry's care while he was in the custody and</p> <p>21 control of the Milwaukee Police Department, did you</p> <p>22 find any of the information contained therein to be</p> <p>23 inaccurate or untruthful?</p> <p>24 A No.</p> <p>25 Q And I apologize if I asked you this. Did you review</p>
<p style="text-align: center;">Page 18</p> <p>1 medical emergency?</p> <p>2 A No.</p> <p>3 MS. LAPPEN: Objection as to the form of the</p> <p>4 question.</p> <p>5 But go ahead and answer.</p> <p>6 A No. Has it ever happened? Sure. We -- We return</p> <p>7 him, you know, we return him right back to the</p> <p>8 hospital.</p> <p>9 BY MR. GENDE:</p> <p>10 Q So when you say "has that ever happened," what you're</p> <p>11 telling me is that you have seen or been part of</p> <p>12 identifying a medical emergency for an inmate,</p> <p>13 correct?</p> <p>14 A Right.</p> <p>15 Q Sending them to the hospital for care, correct?</p> <p>16 A Right.</p> <p>17 Q That individual subsequently being released and sent</p> <p>18 back to the police department, correct?</p> <p>19 A Right. Correct.</p> <p>20 Q And then that person having a subsequent medical</p> <p>21 emergency requiring additional care.</p> <p>22 A Sure.</p> <p>23 Q And you recall being personally involved in those</p> <p>24 situations.</p> <p>25 A Twenty-eight years of experience. Oh, that's -- That</p>	<p style="text-align: center;">Page 20</p> <p>1 the Internal Affairs investigation, the paper, in</p> <p>2 regards to your role in Mr. Perry's treatment?</p> <p>3 A No.</p> <p>4 Q Have you ever seen the paper for the internal</p> <p>5 investigation?</p> <p>6 A No.</p> <p>7 Q When you arrived at the police station on September</p> <p>8 13th, 2010, or rather the PPS, what do you recall, if</p> <p>9 anything, about information being provided as it</p> <p>10 relates to Mr. Perry?</p> <p>11 A I arrive to work I'd say approximately 2:50, 2:51.</p> <p>12 When I got off the elevator, I was met by an officer.</p> <p>13 And he's -- And I was looking in the room -- so I'd</p> <p>14 seen the fire department, so I noticed what's going on</p> <p>15 in the bullpen. The bullpen, that's where we keep the</p> <p>16 majority of our prisoners in, and sometimes it can be</p> <p>17 over 150 prisoners at one time. So I seen that door</p> <p>18 wide open, I seen the fire department open.</p> <p>19 And then I just seen one prisoner inside laying</p> <p>20 on the stretcher of one of the fire department. So I</p> <p>21 said -- And he told me that a prisoner had some</p> <p>22 seizures, collapsed, and hit his head on the bullpen</p> <p>23 floor.</p> <p>24 So I immediately go inside to visually, you know</p> <p>25 -- you know, see how he was doing. You know, what's</p>

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6 (Pages 21 to 24)

<p style="text-align: center;">Page 21</p> <p>1 going on, whether, you know, conscious or breathing. 2 At this time, he was conscious and breathing. 3 Q Did you ask him any questions? 4 A Yeah, I asked him questions. "What's going on?" I 5 mean, "Are you on any medication?" He said, "Yes." I 6 said, "For what?" You know, "For seizures." I said, 7 "Have you been taking your medication?" "No." 8 Q Was he able to look at you and respond to -- 9 A Yes. Yeah. 10 Q -- your verbal inquiries? 11 A Like me and you talking. 12 Q Okay. So -- 13 A We having a normal conversation. 14 Q He was conscious -- 15 A Right. 16 Q -- and seemed coherent, correct? 17 A Right. 18 Q Okay. 19 A Mm-hmm. 20 Q Had he urinated or defecated on himself at that time? 21 A No. 22 Q Did he appear resistant in any fashion? 23 A No. 24 Q Was he shackled at the arms or the legs? 25 A No.</p>	<p style="text-align: center;">Page 23</p> <p>1 A The officers that will -- that would go along with him 2 to convey him out. It's two ways we handle that. If 3 we have officers from PPS that's assigned to PPS, 4 might go out with him, or we assign different officers 5 from different districts to go out with him. They are 6 responsible for filing we call a "conveyance form." 7 Q Do those officers have to get permission from you to 8 remove the inmate from PPS and convey that inmate to 9 the emergency room? 10 A Yes. 11 Q And is that request verbally? 12 A Yes. Over the radio, over the telephone. 13 Q And then once you give that permission, is there any 14 paperwork you need to fill out? 15 A No. 16 Q Mr. Perry appeared to be in good health when he was 17 released to go to the hospital, correct? 18 A I'm not a doctor, so I can't determine whether he was 19 in good health. I didn't, you know, take x-rays or 20 anything like that. He -- All I can say, he was 21 conscious and talking when he left. 22 Q He was conscious, coherent. 23 A Right. 24 Q He hadn't urinated or defecated on himself. 25 A Correct.</p>
<p style="text-align: center;">Page 22</p> <p>1 Q Had a spit mask been applied at that time? 2 A No. 3 Q What do you recall as to how you ended the 4 conversation with Mr. Perry at that point? 5 A The fire department was still working with him, so 6 that was my end of the conversation. That, I mean, we 7 wanted to get him to the hospital as soon as possible, 8 because we don't know what type of injuries he 9 sustained from the fall, so.... 10 Q Did you question him about his head injury? 11 A No. 12 Q Did you observe any injury to his head or other part 13 of his body? 14 A No, I didn't -- I didn't see anything visually 15 regarding his head, or anything like that. 16 Q Did you see any blood anywhere on his body? 17 A No. 18 Q Did the police department tell you that he had an 19 abnormal pulse or blood pressure or respiratory rate? 20 A No. 21 Q Did you have to sign any forms allowing Mr. Perry to 22 be conveyed to the emergency room? 23 A Not me. 24 Q Who would be required to sign forms to release Mr. 25 Perry from PPS and be conveyed to the emergency room?</p>	<p style="text-align: center;">Page 24</p> <p>1 Q No blood. No sign of visible injury. 2 A Correct. 3 Q He was able to have conversations with you, correct? 4 A Right. There's nothing unusual when prisoners -- I 5 mean, like I said before, it's been numerous times 6 that prisoners had seizures and collapsed in the 7 bullpen. To me, that's nothing that -- That's common 8 in a prisoner setting. 9 Q Would you agree, then, the reason that Mr. Perry was 10 subsequently taken to the emergency room was more of a 11 precautionary measure in the event that he may suffer 12 more seizures, or he just needed to be checked out 13 because he struck his head? 14 A Right. 15 MR. LARSON: I'm going to object to the 16 foundation for the question. 17 MS. LAPPEN: Go ahead and answer. 18 MR. GENDE: All right. He did answer. 19 Q Based on the objection, I'll ask it in a different 20 way. Was it your opinion, prior to Mr. Perry leaving, 21 that his conveyance was a precautionary method or 22 decision to make sure that he didn't suffer any 23 further seizures? 24 A Yes. 25 Q After Mr. Perry was conveyed to the emergency room,</p>

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7 (Pages 25 to 28)

<p style="text-align: center;">Page 25</p> <p>1 what's the next piece of information you received in 2 regard to his well being? 3 A My people started to call me from the hospital, that 4 he started to kick, he was uncooperative, allude to 5 this guy is getting a little bit combative, won't 6 cooperate with the doctors. Periodically, I was 7 getting updates regarding his behavior. 8 Q When you said your people, are you referring to -- 9 A PPS. 10 Q -- Officer Kroes? 11 A Yeah. Right. 12 Q Kroes and Jacks? 13 A Right. It's been a while, and these are the young 14 officers, so I don't recall the names, or whatever, 15 but.... 16 Q Do you recall speaking to a male or female who was 17 giving you updates? 18 A I think male. We had females and males working at the 19 same time. Some were on the floor while I was there, 20 so I was talking to a lot of people. But mostly 21 males. 22 Q I'm sure your attorneys advised you that you're not 23 going to recall all details -- 24 A Right. 25 Q -- and we have the reports in front of us. So we just</p>	<p style="text-align: center;">Page 27</p> <p>1 officer, indicate to you that Mr. Perry seemed to be 2 deteriorating while he was at the emergency room? 3 A Not deteriorating, but becoming more agitated, 4 flailing, you know, with his hand [demonstrating]. 5 Q Flailing around? 6 A Right. Right. 7 Q What happened next, after you got this information? 8 A He just said -- I mean, at this point, he's where he's 9 supposed to be. He's, you know, he's got to be 10 treated by the doctor, so I wasn't really concerned at 11 that point. He's at Mount Sinai, waiting to be seen 12 by a doctor. 13 Q Is Mount Sinai the only emergency room where Milwaukee 14 Police Department personnel will convey a prisoner who 15 suffers a medical emergency while in custody at PPS? 16 A Yeah. Ninety-nine percent of the time, yes. It's 17 shorter distance. The doctors and the nurses are very 18 familiar with us. I mean, they well trained. For 19 example, that if we had somebody that was sexually 20 assaulted, you're not going to take him to Saint 21 Mary's. You're going to take him to Mount Sinai, 22 because they trained. The doctors are trained and the 23 nurses are trained. They handle sexual assaults. So 24 99 percent of the time, if we have a prisoner that 25 need medical attention, that's where we going to send</p>
<p style="text-align: center;">Page 26</p> <p>1 want to know what you know, and don't worry if you 2 can't recall names. I may -- 3 A Right. Okay. 4 Q -- prompt you like I just did. Do you specifically 5 recall Corey Kroes? Does that name ring any bells? 6 A No. 7 Q Can you put a face to it? Okay. When you were 8 getting the periodic updates from the police officer 9 who had transported or conveyed Mr. Perry to the 10 emergency room, what was your response when you were 11 receiving the information? 12 A At this time, when I was getting these -- Have the, 13 you know, was a doctor treating him at this point. 14 They said no, but, you know, they had to -- he was 15 still basically -- I'm not going to say the word 16 "combative," he haven't got that bad yet. But he was 17 still kicking, uncooperative, so the doctor has -- did 18 not treat him as of yet, or let's say seen him. We 19 always say, "Did he see him yet," you know. They said 20 "no." I said, "Well, you know, you got to wait till 21 he" -- you know -- "the doctor see him." 22 Q Were you informed that Mr. Perry suffered from more 23 seizures while at the emergency room? 24 A I don't recall. 25 Q Did the officers that were giving you updates, or the</p>	<p style="text-align: center;">Page 28</p> <p>1 them, because it's closest. 2 Q And when you say the medical personnel at Mount Sinai 3 are trained, do you mean they know how to deal with 4 prisoners? 5 A Right. They -- They know when a prisoner come in that 6 if we have a person shackled, the person refuse to be 7 uncooperative [sic], we not going to get this, "Get 8 him out of here," you know, and, "We got other 9 patients here." We don't get that. They understand 10 our job and familiar with it. 11 So you might get a combative prisoner coming in, 12 they understand that, okay, this -- as long as we got 13 somebody standing by, I mean, a police officer 14 standing by to make sure this person don't harm 15 anybody else, any doctors or nurses or any patients, 16 they're okay with it. So they familiar with, "Uh-oh, 17 here come the MPD." You know, it's -- It's no shock 18 when we come there with prisoners. 19 Q Based on your experience with Mount Sinai and sending 20 prisoners there in need of medical attention, are you 21 confident in their ability to address those prisoners' 22 medical needs when they arrive? 23 A Very confident. 24 Q Okay. And after this incident with Mr. Perry, did 25 that shake your confidence in any way?</p>

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8 (Pages 29 to 32)

<p style="text-align: center;">Page 29</p> <p>1 A No.</p> <p>2 Q For instance, after the bad outcome with Mr. Perry,</p> <p>3 that didn't prevent you from having prisoners conveyed</p> <p>4 to Mount Sinai?</p> <p>5 A He -- What's the bad outcome?</p> <p>6 Q Well, he passed away.</p> <p>7 A I'm sorry to hear that.</p> <p>8 Q You knew that he had passed away, correct?</p> <p>9 A Yes.</p> <p>10 Q You would agree that's a bad outcome, correct?</p> <p>11 A Sure, it's a bad outcome.</p> <p>12 Q That's not the outcome that Milwaukee Police</p> <p>13 Department wants to happen for individuals in their</p> <p>14 care, custody, and control, true?</p> <p>15 A Right.</p> <p>16 Q Okay. So after further definition of my question,</p> <p>17 after Mr. Perry passed away, did that affect your</p> <p>18 confidence in Mount Sinai and your decision or ability</p> <p>19 to convey prisoners there for medical needs?</p> <p>20 A No.</p> <p>21 Q At some point in time, there was a decision about what</p> <p>22 to do with Mr. Perry or where to take him after he was</p> <p>23 discharged from Mount Sinai, correct?</p> <p>24 A No.</p> <p>25 Q Nobody had to make a decision as to where to transport</p>	<p style="text-align: center;">Page 31</p> <p>1 Q All right. Let me try and rephrase it. Was there any</p> <p>2 paperwork that had to be completed, which was yet</p> <p>3 incomplete, which would have allowed Mr. Perry to be</p> <p>4 taken directly from Mount Sinai to the Criminal</p> <p>5 Justice Facility?</p> <p>6 A Yes.</p> <p>7 Q And what paperwork was that, sir?</p> <p>8 A I believe that was the CR2 and the PA45.</p> <p>9 Q And were those documents that you were looking for so</p> <p>10 Mr. Perry's file could be completed and he could be</p> <p>11 taken to CJF?</p> <p>12 A I don't recall what information was missing in the</p> <p>13 reports, but the Criminal Justice Facility don't take</p> <p>14 incomplete, inaccurate reports.</p> <p>15 Q Let me ask it this way. Was there a problem with Mr.</p> <p>16 Perry's paperwork after he was medically cleared from</p> <p>17 Mount Sinai?</p> <p>18 A Yes.</p> <p>19 Q What was the problem with his paperwork?</p> <p>20 A I don't recall.</p> <p>21 Q And I believe you also testified that he couldn't be</p> <p>22 taken to CJF at that time because he needed to be</p> <p>23 interviewed further about the --</p> <p>24 A That's correct.</p> <p>25 Q -- reasons of the --</p>
<p style="text-align: center;">Page 30</p> <p>1 Mr. Perry from Mount Sinai?</p> <p>2 A After he was released by a doctor?</p> <p>3 Q Correct.</p> <p>4 A Yeah. He was just coming -- He was coming back to the</p> <p>5 City jail.</p> <p>6 Q Why is that?</p> <p>7 A That's protocol. There's no policy or procedure.</p> <p>8 That's protocol. Because he -- He wasn't done, I</p> <p>9 don't believe -- you know, I am not speaking for the</p> <p>10 detectives, because they not here -- but he wasn't</p> <p>11 done being interviewed, because, I mean, he had a</p> <p>12 serious charge on him, so he had to come back. The</p> <p>13 detectives wasn't done interviewing him at that point.</p> <p>14 Q Was there paperwork necessary that was incomplete</p> <p>15 which would have allowed Mr. Perry to be transported</p> <p>16 directly from Mount Sinai to the Criminal Justice</p> <p>17 Facility?</p> <p>18 A Could you repeat that?</p> <p>19 Q Sure.</p> <p>20 THE REPORTER: Off the record briefly.</p> <p>21 (Off the record 10:52 - 10:52)</p> <p>22 THE REPORTER: We're back on the record.</p> <p>23 BY MR. GENDE:</p> <p>24 Q I think you asked that I would repeat the question?</p> <p>25 A Yes.</p>	<p style="text-align: center;">Page 32</p> <p>1 A That was my understanding.</p> <p>2 Q And how did you come to that understanding?</p> <p>3 A I always stay in contact with the Criminal Just-- I</p> <p>4 mean, stay in contact with our detectives from MPD.</p> <p>5 Q Are there any medical facilities at PPS?</p> <p>6 A No.</p> <p>7 Q Do -- well, strike that. As a lieutenant in charge of</p> <p>8 PPS, would you rely on the sheriff's department or the</p> <p>9 Criminal Justice Facility to provide medical care to</p> <p>10 an inmate who is in need or has a medical emergency?</p> <p>11 A No. I would call -- You know, the fire department</p> <p>12 would always respond, a first responder. I mean, if</p> <p>13 there's a crisis, like you explained, I definitely</p> <p>14 will call the fire department. They'll respond first.</p> <p>15 And if he needs to go to the hospital, we will convey</p> <p>16 him to the hospital.</p> <p>17 Q Had any detectives or other interviewing police</p> <p>18 personnel told you that they wanted to see Mr. Perry</p> <p>19 before he was taken to CJF?</p> <p>20 A As far as I know -- I don't recall that. As far as I</p> <p>21 know, that they wanted to re-interview him. Which</p> <p>22 detectives stated that? I can't recall.</p> <p>23 Q Well, do you recall somebody telling you that, or did</p> <p>24 you gather that opinion from reviewing Mr. Perry's</p> <p>25 file?</p>

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<p style="text-align: center;">Page 33</p> <p>1 A No. I was told that. I mean, because the time that</p> <p>2 he sustained his fall, injured -- had the seizures, he</p> <p>3 wasn't interviewed yet. The detectives haven't</p> <p>4 interviewed him yet.</p> <p>5 Q Okay.</p> <p>6 A So you see, when he just got -- I think he'd just</p> <p>7 probably had been there for an hour, a couple hours,</p> <p>8 and the detective bureau haven't interviewed him yet.</p> <p>9 So when he went to the hospital for his seizures when</p> <p>10 he fell, they didn't interview him yet.</p> <p>11 Q Was there a detective waiting at PPS when Mr. Perry</p> <p>12 was returned from the emergency room?</p> <p>13 A No. They don't work like that.</p> <p>14 Q Did you make detectives aware that Mr. Perry --</p> <p>15 A Sure. Once he's back. Because we -- Basically, our</p> <p>16 goal is to convey him to the Criminal Justice Facility</p> <p>17 as soon as possible. If -- If there's medical issues,</p> <p>18 issues that maybe this guy is uncooperative or this</p> <p>19 woman is uncooperative, our goal is to convey them to</p> <p>20 the County as soon as possible. Like you said, we</p> <p>21 don't -- This is not -- We don't have a medical</p> <p>22 facility. We don't have nurses. The County jail have</p> <p>23 nurses. Our goal is to make sure they conveyed as</p> <p>24 soon as possible.</p> <p>25 Q Well, you're the Prisoner Processing Section. You</p>	<p style="text-align: center;">Page 35</p> <p>1 Milwaukee Police Department is very busy. I mean,</p> <p>2 detectives are the same detectives, basically, that</p> <p>3 did the investigation. We have three shifts. We have</p> <p>4 the first, second, and third shift. Sometimes, if you</p> <p>5 call detectives on the first shift, they don't have --</p> <p>6 they'll -- well, the thing is they'll -- they'll</p> <p>7 interview, they'll put two hours or three hours in the</p> <p>8 interview, and then you got to have a second shift</p> <p>9 detective interview him. So you -- Sometimes you have</p> <p>10 probably two shifts involved in the interview.</p> <p>11 Q But I understood that Mr. Perry was returned so an</p> <p>12 interview could be completed, and yet no interview was</p> <p>13 completed, and he was taken to CJF fairly quickly,</p> <p>14 true?</p> <p>15 A Right. Because of his behavior at that -- at that</p> <p>16 particular time. Once he was brought back to the</p> <p>17 hospital, his behavior, he started to spitting at the</p> <p>18 officers, kicking. And at that point, you not going</p> <p>19 to interview him at that point. You're not going to</p> <p>20 get any cooperation out of him. He's not talking.</p> <p>21 Q Do you know if he was able to respond to inquiries at</p> <p>22 that time?</p> <p>23 A Not -- Not at that time. He just wouldn't cooperate.</p> <p>24 He wouldn't comply to --</p> <p>25 Q Let me ask you this. You observed Mr. Perry being</p>
<p style="text-align: center;">Page 34</p> <p>1 don't look to keep inmates in the processing section.</p> <p>2 You want to process them, process them and move them</p> <p>3 out, right?</p> <p>4 A Correct.</p> <p>5 Q And if there's a medical issue --</p> <p>6 A Right.</p> <p>7 Q -- you want to move them out of PPS to CJF --</p> <p>8 A Right.</p> <p>9 Q -- because there's nurses on duty, right?</p> <p>10 A Right.</p> <p>11 Q And those nurses you know have access to doctors,</p> <p>12 correct?</p> <p>13 A Correct.</p> <p>14 Q There's no --</p> <p>15 A And I --</p> <p>16 Q Go ahead.</p> <p>17 A I just want to let you know, it's not uncommon for</p> <p>18 mistakes on paperwork. It happens often.</p> <p>19 Q Why wasn't Mr. Perry interviewed by detectives -- or</p> <p>20 why wasn't that interview completed after he was</p> <p>21 returned from Mount Sinai to the PPS?</p> <p>22 A I can't answer that.</p> <p>23 Q Do you have any idea? It looks like you have an</p> <p>24 opinion. What's your opinion?</p> <p>25 A I mean, it's -- It's the process. It's -- I mean,</p>	<p style="text-align: center;">Page 36</p> <p>1 returned to PPS --</p> <p>2 A Yes.</p> <p>3 Q -- after he was cleared at the ER, correct?</p> <p>4 A Yes.</p> <p>5 Q And tell me how his physical condition had changed</p> <p>6 from earlier in the evening when he went out the door</p> <p>7 to Mount Sinai and you had had a conversation with him</p> <p>8 and visually inspected him.</p> <p>9 A Mm-hmm.</p> <p>10 Q He was coherent, talking, had not urinated or</p> <p>11 defecated on himself, seemed to have his faculties,</p> <p>12 responsive to inquiries, no visible injuries. How had</p> <p>13 that changed until he was returned at PPS?</p> <p>14 A I couldn't explain that to you, but I have a --</p> <p>15 Generally, when you have a lot of -- When you have</p> <p>16 prisoners that's able to get out of the jail system,</p> <p>17 we call it "jailitis." "I don't want to be locked</p> <p>18 up." They'll play games. I mean, some will say "I</p> <p>19 need medication" just to get out, out of the jail</p> <p>20 system or -- yeah. Some have opportunity and once you</p> <p>21 take them to the hospital, that's why we have to have</p> <p>22 them shackled.</p> <p>23 They always say, "Hey, let's go to the" -- "Can I</p> <p>24 go to the bathroom?" I mean, we have, in my 28 years,</p> <p>25 a couple prisoners escape, you know, out of the</p>

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10 (Pages 37 to 40)

<p style="text-align: center;">Page 37</p> <p>1 bathroom window when we put them in the bathroom, 2 because they -- It's just, the thing is, nobody wants 3 to be incarcerated inside a jail. I'm going to find a 4 way to get out, even if it's for an hour or two hours. 5 To claim, hey, if they got diabetes, I need 6 asthma [medication], we don't question that. The 7 thing is, if they say they need medical treatment, we 8 convey them to a hospital, even though we know it 9 might be a game, "jailitis," "I don't want to be 10 locked up." 11 Q Do you believe that Mr. Perry faked a seizure and 12 striking his head? 13 A No. I -- Well, I don't believe that. I believe that 14 was true. But I'm just explaining to you that 15 prisoners do -- don't want to be locked up, and 16 they'll play games, you know what I mean? But do, 17 because they play games, we not -- we don't take them 18 to the hospital? No. We do that. 19 Q Well, right now I just want to talk about Mr. Perry. 20 A Okay. 21 Q When Mr. Perry was originally conveyed to the 22 emergency room, did you have any doubt that he had 23 suffered a seizure and struck his head? 24 A No, I had no doubt. 25 Q When you spoke to him and observed him before he was</p>	<p style="text-align: center;">Page 39</p> <p>1 Q Did you attempt to inquire as to -- 2 A Yes. 3 Q -- what his problem was? 4 A Yeah. What was going on. 5 MS. LAPPEN: Just make sure you wait till he 6 is done with his questions -- 7 THE WITNESS: Okay. 8 MS. LAPPEN: -- before you answer, because 9 it's difficult for the court reporter. 10 THE WITNESS: Oh, so -- Okay. 11 MS. LAPPEN: You're anticipating. 12 THE WITNESS: Okay. 13 MS. LAPPEN: You know? So -- 14 THE WITNESS: Okay. 15 MS. LAPPEN: Thanks. 16 BY MR. GENDE: 17 Q You're doing a good job of anticipating, but it 18 doesn't make for a clear record. 19 A Okay. 20 Q So when Mr. Perry returned, he was unable to walk 21 under his own power, correct? 22 A Correct. 23 Q He was kicking, correct? 24 A Correct. 25 Q Did you see him try and kick anybody in particular?</p>
<p style="text-align: center;">Page 38</p> <p>1 conveyed, did you have any concern that he was playing 2 games and -- 3 A No. 4 Q -- suffering from -- 5 A I don't. 6 Q -- "jailitis"? 7 A No. 8 Q Did you have any concern that he was an escape risk at 9 that time? 10 A That's why, you know, that's why you go along with 11 other officers, to make sure that doesn't happen. 12 Q But he wasn't taken out in arm and leg shackles, 13 correct? 14 A Correct. 15 Q And then when Mr. Perry returned, tell me how his 16 physical and mental condition had changed, if at all. 17 What was different? 18 A He was kicking, spitting at officers. 19 Q Was he able to walk under his own power? 20 A No. 21 Q Was he able to -- 22 A They had to shackle him. 23 Q Were you able to have a intelligent conversation with 24 him? 25 A No.</p>	<p style="text-align: center;">Page 40</p> <p>1 A No. 2 Q You said he was spitting. 3 A Yes. 4 Q Was he spitting as he walked in the door? At some 5 point later? Describe that for me. 6 A When I -- I came upon him [demonstrating]. 7 Q He spit at you? 8 A Yeah. Spit on my pants. 9 Q All right. Was he walking at that time? 10 A No. 11 Q Tell me how he was being transported. Was there an 12 officer on either arm, holding him up? 13 A I believe so. 14 Q And then did you ask him any questions when he -- 15 A No. 16 Q -- took that action? 17 A No. 18 Q Okay. What happened next? 19 A One of the officers requested a spit mask. 20 Q And where was Mr. Perry taken at that point in time? 21 A At that point, I don't know if he went to -- we tried 22 to process him, the booking process, or we took him to 23 the cell right away. I -- I really don't know. But I 24 think we tried to process him, take fingerprints, and, 25 you know, hopefully he was going to cooperate. But he</p>

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11 (Pages 41 to 44)

<p style="text-align: center;">Page 41</p> <p>1 wasn't cooperating, so we took him to the cell.</p> <p>2 Q How many cells are available at PPS?</p> <p>3 A We have about 100 cells.</p> <p>4 Q Where was cell A3 in relation to the spot where Mr.</p> <p>5 Perry was sat down and dealt with by Milwaukee Police</p> <p>6 Department?</p> <p>7 A Cell A3? Oh, it's way [gesturing], I would say --</p> <p>8 Visually, you can't see it. It's way off from --</p> <p>9 Compared to where the lieutenant's door is, it's way</p> <p>10 in the back.</p> <p>11 Q Is A3 a special cell? Is it different from the other</p> <p>12 cells?</p> <p>13 A No.</p> <p>14 Q Okay. Does it --</p> <p>15 A Well, it's different from the bullpen. A bullpen, we</p> <p>16 put all the prisoner. We can put 100 prisoner in the</p> <p>17 bullpen, if that's what you saying. But it -- A3 is a</p> <p>18 separate cell.</p> <p>19 Q Is the configuration of A3 different than the</p> <p>20 configuration of other cells at PPS?</p> <p>21 A No.</p> <p>22 Q Tell me the configuration of A3, if you recall.</p> <p>23 A Just a regular cell. You -- I mean, it's a single</p> <p>24 cell. You put a prisoner in there, and he sits --</p> <p>25 He's got a bench, a metal bench. He sits down in it.</p>	<p style="text-align: center;">Page 43</p> <p>1 A When he was brought in on -- lying on the floor,</p> <p>2 trying to get him to comply, to cooperate so we can</p> <p>3 move him on to the CJF, you know. I mean, that's my</p> <p>4 job, you know, "Cooperate. Let's" -- you know,</p> <p>5 "What's going on with you," or I don't know, "Stand</p> <p>6 up," so we can through a -- take him through photos</p> <p>7 and prints and get him processed so we can, you know,</p> <p>8 move him on toward the County jail.</p> <p>9 Q And when you were having this conversation with him,</p> <p>10 asking that he cooperate, asking him what's going on,</p> <p>11 things of that nature, how did Mr. Perry respond?</p> <p>12 A No response.</p> <p>13 Q Was he able to look at you? Did you make eye contact</p> <p>14 with him?</p> <p>15 A No. He had just a spit mask on him. I tried talking</p> <p>16 to him, looking at him.</p> <p>17 Q When he had the spit mask on, were you able to see</p> <p>18 through the mask and look at his eyes?</p> <p>19 A No.</p> <p>20 Q Were you able to look at his nose or mouth to see if</p> <p>21 he was bleeding anywhere?</p> <p>22 A No.</p> <p>23 Q Did you see any blood on his person before he was</p> <p>24 placed in cell A3?</p> <p>25 A No.</p>
<p style="text-align: center;">Page 42</p> <p>1 Q Is there a stool?</p> <p>2 A I believe so.</p> <p>3 Q Is there a sink?</p> <p>4 A Yes.</p> <p>5 Q Is there a bed?</p> <p>6 A Yes.</p> <p>7 Q And all of the cells on that -- or in that section are</p> <p>8 configured the same way.</p> <p>9 A Right. Similar, yes.</p> <p>10 Q Why was Mr. Perry taken to one of the furthest cells,</p> <p>11 if you know?</p> <p>12 A No.</p> <p>13 Q Do you know if anybody had occupied that cell earlier</p> <p>14 in the evening?</p> <p>15 A No.</p> <p>16 Q You don't know, or nobody had occupied it? That was a</p> <p>17 poorly worded question.</p> <p>18 A Yeah. I don't know. I don't know.</p> <p>19 Q Are there records which would show whether that cell</p> <p>20 had been occupied prior to Mr. Perry being put there?</p> <p>21 A It should be.</p> <p>22 Q You mentioned that you tried to have a conversation</p> <p>23 with Mr. Perry, correct?</p> <p>24 A Yes.</p> <p>25 Q When did you attempt that conversation?</p>	<p style="text-align: center;">Page 44</p> <p>1 Q Do you know if he had urinated or defecated on</p> <p>2 himself?</p> <p>3 A Yes.</p> <p>4 Q And do you know if that occurred while he was at PPS?</p> <p>5 Strike that. Do you know if that occurred after he</p> <p>6 returned to PPS?</p> <p>7 A No.</p> <p>8 Q So when Mr. Perry was carried into PPS, do you recall</p> <p>9 smelling the foul smell of urine and feces?</p> <p>10 A No.</p> <p>11 Q When do you first recall smelling Mr. Perry's bodily</p> <p>12 functions?</p> <p>13 A After he'd been there for about maybe 15, 10 minutes.</p> <p>14 Q Did you inquire as to why he had made a mess of</p> <p>15 himself?</p> <p>16 A No.</p> <p>17 Q Did you hear any officers inquire as to why he made a</p> <p>18 mess of himself?</p> <p>19 A No.</p> <p>20 Q What, if anything, did you hear Mr. Perry say while</p> <p>21 you were present and before he was put into A3?</p> <p>22 A Nothing.</p> <p>23 Q Nothing intelligent.</p> <p>24 A No.</p> <p>25 Q Okay. Did you ever hear him call out for help?</p>

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12 (Pages 45 to 48)

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<p>1 A No.</p> <p>2 Q Did you -- I'm sorry?</p> <p>3 A No, I didn't hear it.</p> <p>4 Q Did you ever hear him call out that he was having</p> <p>5 difficulty breathing?</p> <p>6 A I didn't hear that.</p> <p>7 Q Did you ever hear him call out for help from God?</p> <p>8 A No.</p> <p>9 Q Did you overhear any officers speaking with him?</p> <p>10 A We were just -- Sure. We were trying to get him to</p> <p>11 calm -- calm down, to comply to our directives.</p> <p>12 Q Did you ever hear any officers inquire of Mr. Perry</p> <p>13 whether or not he needed medical attention?</p> <p>14 A No.</p> <p>15 Q Did you overhear any officers offer medical attention</p> <p>16 to Mr. Perry?</p> <p>17 A No.</p> <p>18 Q Did you overhear any officers ask Mr. Perry whether he</p> <p>19 needed to return to the emergency room?</p> <p>20 A No.</p> <p>21 Q Were there any other inmates in the bullpen area that</p> <p>22 were in need of medical attention while Mr. Perry was</p> <p>23 being dealt with?</p> <p>24 A No.</p> <p>25 Q Do you recall any other inmates causing any problems</p>	<p>1 Q And you'd used it in the past to kind of shock</p> <p>2 somebody out of their game-playing "jailitis" in the</p> <p>3 event they were playing, correct?</p> <p>4 A Correct.</p> <p>5 Q How did that work with Mr. Perry?</p> <p>6 A It didn't.</p> <p>7 Q It had no effect on him whatsoever?</p> <p>8 A No.</p> <p>9 Q At that point in time, in the event you had any</p> <p>10 concerns that he was faking or suffering from</p> <p>11 "jailitis," those concerns were addressed by your</p> <p>12 shocking statement that didn't work on him, true?</p> <p>13 A True.</p> <p>14 Q Let me ask you this. Did you have any concerns that</p> <p>15 Mr. Perry was suffering from "jailitis"?</p> <p>16 A You always -- You have concerns where people, you</p> <p>17 know, don't want to be locked up and -- but it doesn't</p> <p>18 affect how you feel and what you do. If they need</p> <p>19 medical assistance, we give it to them.</p> <p>20 Q Let's just --</p> <p>21 A It don't matter how I feel.</p> <p>22 Q Let's just focus on Mr. Perry. Did you have concerns</p> <p>23 when he was spitting and flailing and nonresponsive to</p> <p>24 officers' commands and that he had urinated and</p> <p>25 defecated on himself that he may be suffering from</p>
Page 46	Page 48
<p>1 in the bullpen while Mr. Perry was being dealt with?</p> <p>2 A No.</p> <p>3 Q Is it fair to say that on that evening Mr. Perry was</p> <p>4 the number one concern of you as the supervisor and</p> <p>5 the police personnel that were dealing with him?</p> <p>6 A Yes.</p> <p>7 Q Were you getting frustrated with the process as it</p> <p>8 relates to Mr. Perry?</p> <p>9 A No.</p> <p>10 Q Tell me what prompted you to make a comment to Mr.</p> <p>11 Perry that if he was going to act like an animal, he</p> <p>12 would be treated like he was in prison?</p> <p>13 A To stop the -- the behavior. To stop his actions. I</p> <p>14 mean, sometimes you have to use words to get people to</p> <p>15 comply, and that was -- The only reason I made that</p> <p>16 statement is to get him to cooperate, to take the</p> <p>17 photos, take the prints, to walk. You know, I use it</p> <p>18 as -- I mean, sometimes words can shock a person into,</p> <p>19 "Okay," you know [demonstrating]. If there was any</p> <p>20 playing games or any "jailitis" and whatever,</p> <p>21 sometimes people will snap out of it when you make</p> <p>22 statements like that.</p> <p>23 Q So a statement like that was your attempt to gain</p> <p>24 compliance, correct?</p> <p>25 A Correct.</p>	<p>1 what you've described as "jailitis"?</p> <p>2 A Yes.</p> <p>3 Q And up to the point in time when you used your shock</p> <p>4 and awe statement about "if you're going to act like</p> <p>5 an animal, we'll treat you like you're in prison," you</p> <p>6 continued to have those concerns, correct?</p> <p>7 A Yes.</p> <p>8 Q And then after you used your statement to gain</p> <p>9 compliance and Mr. Perry had no reaction whatsoever,</p> <p>10 you no longer were of the opinion that he was</p> <p>11 suffering from "jailitis," correct?</p> <p>12 A Rephrase your question.</p> <p>13 Q Let me try and be more clear. Do I need to ask the</p> <p>14 prior questions leading up, or just the last question?</p> <p>15 A Just the last question.</p> <p>16 Q Okay. You used your statement, "If you're going to</p> <p>17 act like an animal, we'll treat you like you're in</p> <p>18 prison," correct?</p> <p>19 A Yeah. After he was -- After he's spitting and</p> <p>20 kicking.</p> <p>21 Q I understand.</p> <p>22 A Okay, then.</p> <p>23 Q You used that statement to try and gain compliance for</p> <p>24 an uncooperative prisoner, correct?</p> <p>25 A Correct.</p>

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13 (Pages 49 to 52)

<p style="text-align: center;">Page 49</p> <p>1 Q And you had concerns that Mr. Perry may be faking or 2 suffering from "jailitis" because he didn't want to be 3 there, true? 4 A Correct. 5 Q And you've used that type of shock and awe statement 6 in the past to try and break people out of their 7 "jailitis" syndrome, true? 8 A True. 9 Q And it's worked in the past for you, correct? 10 A Sure. 11 Q With Mr. Perry, it didn't work, right? He continued 12 to be noncompliant. 13 A Yes. 14 Q So my question is, at that point in time, were you 15 still concerned that Mr. Perry was suffering from 16 "jailitis," or were you convinced that he was having a 17 problem? 18 A What kind of problem? A medical problem, or something 19 like that? 20 Q Well, a problem -- 21 A I didn't think it was a medical problem. What kind of 22 problem? 23 Q A problem where Mr. Perry was not complying with 24 police officers' directions and commands. What was 25 his problem?</p>	<p style="text-align: center;">Page 51</p> <p>1 Q When he was taken to the cell, at whose direction was 2 that? Was it your decision for him to be put in a 3 cell? 4 A That's where they go. And that's where mister -- 5 that's -- Sure. 6 Q It was your decision -- 7 A Sure. 8 Q -- to put him in a cell. 9 A Right. 10 Q And why did you decide to have him put in a cell? 11 A Because that's where prisoners go. 12 Q He had been in the bullpen where you can handle up to 13 100 prisoners, right? 14 A Right. 15 Q Why didn't he stay in the bullpen? 16 A We wanted to keep an eye on him, and when you in a 17 separate cell -- plus we had open separate cells. We 18 thought it would be a better opportunity to keep a eye 19 on him when he's in a separate cell than in the 20 bullpen. Because he just, you know, he just had 21 seizures. And if he had another seizure, he'll fall 22 and, you know, bump his head again on the concrete. 23 We didn't want that to happen. So putting him in the 24 cell where you have a bed area where he can sit and 25 rest, we can keep a eye in on him.</p>
<p style="text-align: center;">Page 50</p> <p>1 A Like all -- Like some persons have a problem. Every 2 prisoner don't cooperate with police. So that -- it 3 didn't -- It wasn't unusual if he didn't, you know, if 4 he didn't cooperate, if that's what you're asking. 5 Q You used your shock and awe statement. 6 A Right. 7 Q It didn't work. 8 A Right. You use everything to get a person to comply. 9 Q And he didn't comply. 10 A Right. 11 Q So what did you determine the issue was with his 12 noncompliance? 13 A I didn't -- didn't -- I didn't determine anything. 14 Q Did it ever cross your mind that he may be suffering 15 from a medical emergency? 16 A No. 17 Q Never crossed your mind? 18 A Never crossed my mind. 19 Q So when he had urinated and defecated on himself, he 20 was unable to walk under his own power, he was 21 nonresponsive to verbal inquiries, he had a spit mask 22 placed on him, and you were unable to see his mouth, 23 his nose, or his eyes, you had no concern that he may 24 be having a medical problem, correct? 25 A Nothing unusual about that.</p>	<p style="text-align: center;">Page 52</p> <p>1 Q Was there nowhere for him to sit and rest in the 2 bullpen area? 3 A No -- Sure. He can sit down on concrete. But if 4 there's other prisoners, numerous other prisoners, it 5 would be difficult. 6 Q Were there numerous other prisoners that evening? 7 A I don't recall. 8 Q Was there more than ten in the bullpen or less than 9 ten? 10 A I don't recall. 11 Q Was there more than 50 or less than 50 in the bullpen? 12 A I don't recall. 13 Q Do you recall if it was a busy evening that night in 14 the bull-- 15 A It's always busy at the City jail. 16 Q And "busy" means what to you? How many people in the 17 bullpen is "busy"? 18 A Ten, twelve. Even if it's five, it's busy. 19 Q Do you know if any of the other jail cells at PPS were 20 occupied when Mr. Perry was placed in A3? 21 A I don't recall specifically what cells. 22 Q After Mr. Perry's noncompliance and after your shock 23 and awe statement, you decided to have him put in a 24 cell so personnel could keep a closer eye on him, 25 correct?</p>

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14 (Pages 53 to 56)

<p style="text-align: center;">Page 53</p> <p>1 A Sure.</p> <p>2 Q And did you instruct personnel to keep a closer eye on</p> <p>3 him?</p> <p>4 A They knew how to -- They knew when we have a prisoner</p> <p>5 that's combative, kicking, spitting, to keep a eye on</p> <p>6 him. Generally, we make checks every 15 minutes.</p> <p>7 They know to make checks probably more often than</p> <p>8 that.</p> <p>9 Q My question to you is, do you recall instructing --</p> <p>10 A No.</p> <p>11 Q -- an officer to keep a closer eye on Mr. Perry?</p> <p>12 A No. I don't have to instruct them.</p> <p>13 Q Do you know what officer was assigned to keep a closer</p> <p>14 eye on Mr. Perry?</p> <p>15 A No.</p> <p>16 Q Do you know Officer Diaz-Berg?</p> <p>17 A Yes, I do.</p> <p>18 Q Do you know if she was the officer who was making cell</p> <p>19 checks on Mr. Perry?</p> <p>20 A It could -- It could have been.</p> <p>21 Q Do you know how long Mr. Perry was kept in A3?</p> <p>22 A No.</p> <p>23 Q Why wasn't Mr. Perry transferred to CJF instead of put</p> <p>24 in A3?</p> <p>25 A The paperwork was incomplete, the PA45 and CR215. And</p>	<p style="text-align: center;">Page 55</p> <p>1 physical or mental health --</p> <p>2 A Yes.</p> <p>3 Q -- while he was in A3?</p> <p>4 A Diaz-Berg would say, "He's doing okay. I'm still</p> <p>5 looking at him and watching him." But that probably,</p> <p>6 from what I -- that the paperwork was done. He was</p> <p>7 probably gone probably at that time.</p> <p>8 Q I'm sorry. When the paperwork was done, he was</p> <p>9 already gone?</p> <p>10 A I don't know. I don't recall. But are you saying if</p> <p>11 I -- Do I get updates? Sure, I get updates. How many</p> <p>12 updates I got that day? I don't know.</p> <p>13 Q Was Mr. Perry transferred to CJF before the paperwork</p> <p>14 was complete?</p> <p>15 A I don't recall. That's a while ago.</p> <p>16 Q Do you normally transfer prisoners --</p> <p>17 A No. You -- She's -- The paperwork was complete.</p> <p>18 That's the only way they going to take them, with the</p> <p>19 paperwork complete. It has to be completed. And it</p> <p>20 has to be accurate.</p> <p>21 Q How many officers did it take to carry Mr. Perry from</p> <p>22 the bullpen area of PPS to A3, which was a ways away?</p> <p>23 A I think about three or four.</p> <p>24 Q And tell me what you observed during that process.</p> <p>25 Who was carrying him? How was he positioned?</p>
<p style="text-align: center;">Page 54</p> <p>1 plus, like I said, the detectives didn't do the</p> <p>2 interview yet.</p> <p>3 Q Did the detectives complete the interview while Mr.</p> <p>4 Perry was in A3?</p> <p>5 A I don't recall.</p> <p>6 Q Why was he taken out of A3 and taken to CJF?</p> <p>7 A The paperwork must have been completed.</p> <p>8 Q And who was responsible for ensuring the paperwork was</p> <p>9 completed before he was transferred to CJF?</p> <p>10 A I would review the paperwork, sign it, and then he</p> <p>11 would be taken over.</p> <p>12 Q And where did you find that paperwork at?</p> <p>13 A Somebody either brought it up once it was complete --</p> <p>14 Because when the detectives are dealing with a felony</p> <p>15 suspect, they take the paperwork with them. Because</p> <p>16 they got to do the interview, so they have to fill it</p> <p>17 out when they doing the interview and bring it up.</p> <p>18 They'll take it downstairs with them, because it's</p> <p>19 another part of the building.</p> <p>20 Q Did you -- strike that. Did any officer that</p> <p>21 undertook the duty to keep a closer eye on Mr. Perry</p> <p>22 while he was in A3 report back to you regarding his</p> <p>23 condition?</p> <p>24 A I don't recall a specific officer, but --</p> <p>25 Q Do you recall getting any updates as to Mr. Perry's</p>	<p style="text-align: center;">Page 56</p> <p>1 A His -- His -- He was on his -- I guess they were -- He</p> <p>2 was on his back and his face was straight up, hands up</p> <p>3 like this [demonstrating], and they had him -- had</p> <p>4 each leg, each arm, you know.</p> <p>5 Q Was Mr. Perry able to hold his head up?</p> <p>6 A Yes.</p> <p>7 Q Did you hear him talking to anybody?</p> <p>8 A No.</p> <p>9 Q Up till this point in time, had anybody offered Mr.</p> <p>10 Perry assistance in removing his garments that were</p> <p>11 soiled?</p> <p>12 A No.</p> <p>13 Q Anybody offer assistance to Mr. Perry in either</p> <p>14 allowing him to clean up or giving him an opportunity</p> <p>15 to clean up?</p> <p>16 A No.</p> <p>17 Q Were you walking behind or in front of the group of</p> <p>18 officers that were carrying Mr. Perry to his cell?</p> <p>19 A Behind.</p> <p>20 Q Do you understand that one of the inmates at PPS on</p> <p>21 the night in question observed Mr. Perry being dropped</p> <p>22 as he entered the cell?</p> <p>23 A No.</p> <p>24 Q You've never been provided with that information?</p> <p>25 A No.</p>

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15 (Pages 57 to 60)

<p style="text-align: center;">Page 57</p> <p>1 Q Your officers are not trained to drop inmates prior to 2 depositing them in cells, are they?</p> <p>3 A Correct.</p> <p>4 Q Were you aware of any condition of Mr. Perry prior to 5 him being put in the cell which would have resulted in 6 blood coming from parts of his body?</p> <p>7 A No.</p> <p>8 Q How was Mr. Perry left in A3? What position was he 9 left in? Face up, face down, sitting, standing?</p> <p>10 A When I seen him, I seen him faced up.</p> <p>11 Q On his back?</p> <p>12 A Yes.</p> <p>13 Q Were the shackles removed?</p> <p>14 A I don't recall.</p> <p>15 Q Can you think of any reason, as we sit here today, why 16 up to that point in time nobody from the Milwaukee 17 Police Department offered to assist Mr. Perry relative 18 to his soiled body and clothing?</p> <p>19 A No.</p> <p>20 Q Do you believe that a failure to offer assistance to 21 somebody who had soiled themselves was treating that 22 person with dignity and respect?</p> <p>23 A He was combative.</p> <p>24 Q So he deserved to sit in his soiled garments?</p> <p>25 A What did you want the officers to do when he's kicking</p>	<p style="text-align: center;">Page 59</p> <p>1 A He was combative.</p> <p>2 BY MR. GENDE:</p> <p>3 Q Okay. Well, I'm asking you if you recall him being 4 combative at that moment in time.</p> <p>5 A No, I don't recall that.</p> <p>6 Q Other than being combative, any other reason why Mr. 7 Perry wouldn't be offered assistance at that point in 8 time when he's placed in the cell and his leg 9 restraints and arm restraints are removed?</p> <p>10 A The safety of the officers.</p> <p>11 Q What safety would you be concerned about at that 12 point?</p> <p>13 A Spitting, kicking.</p> <p>14 Q He has his spit mask on, right? Correct?</p> <p>15 A Correct.</p> <p>16 Q So the spitting concern was removed, right?</p> <p>17 A Right.</p> <p>18 Q He had to be carried by his arms and legs into the 19 cell because he was unable to walk under his own 20 power, right?</p> <p>21 A Right.</p> <p>22 Q Somebody believed that he was safe enough in the cell 23 to remove his leg restraints and arm restraints, 24 correct?</p> <p>25 A I don't recall.</p>
<p style="text-align: center;">Page 58</p> <p>1 and spitting?</p> <p>2 Q I wasn't the lieutenant there at the time, sir.</p> <p>3 A Right.</p> <p>4 Q I'm just asking you.</p> <p>5 A Right.</p> <p>6 Q According to reports his arm restraints and leg 7 shackles were removed in A3. Any reason to dispute 8 that?</p> <p>9 A I don't recall.</p> <p>10 Q Was he combative once he was placed in A3? Was he 11 kicking or swinging while he laid on the floor face 12 up?</p> <p>13 A I don't recall that.</p> <p>14 Q In the --</p> <p>15 A I just -- Yeah.</p> <p>16 Q In the event that he was not kicking or swinging and 17 his restraints had been removed while he was lying 18 face up in A3, any reason why at that point in time 19 officers could not assist Mr. Perry in either helping 20 him get cleaned up, give him the opportunity to get 21 cleaned up, removing his soiled garments? What 22 prevented them from doing that?</p> <p>23 MS. LAPPEN: Objection. That's been asked 24 answered.</p> <p>25 But go ahead and answer again.</p>	<p style="text-align: center;">Page 60</p> <p>1 Q Well, let's rely on the report that says his leg 2 restraints and arm restraints were removed. Okay?</p> <p>3 A Right. But I don't -- I don't know what's in that 4 officer's mind, why he removed them.</p> <p>5 Q What's the last thing you observed of Mr. Perry before 6 that cell door was closed?</p> <p>7 A I -- I left and went back to my duties, normal duties.</p> <p>8 Q Did you see the cell door close?</p> <p>9 A No.</p> <p>10 Q Who decided it was time for Mr. Perry to be 11 transferred to CJF?</p> <p>12 A Once the paperwork is completed, I guess I am.</p> <p>13 Q Did you give somebody an order to transfer Mr. Perry?</p> <p>14 A Yes.</p> <p>15 Q Do you recall who you told to undertake that duty?</p> <p>16 A No.</p> <p>17 Q Did you give them any special instruction as it 18 relates to Mr. Perry?</p> <p>19 A No.</p> <p>20 Q When Mr. Perry was removed from the cell, where were 21 you?</p> <p>22 A I think I was in the -- the lieutenant's office.</p> <p>23 Q Did you assist in removing Mr. Perry?</p> <p>24 A No.</p> <p>25 Q Did you go to the cell at any point in time when Mr.</p>

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16 (Pages 61 to 64)

<p style="text-align: center;">Page 61</p> <p>1 Perry was being removed?</p> <p>2 A I don't recall, but I don't think so.</p> <p>3 Q Do you recall observing the cell after Mr. Perry had</p> <p>4 been removed?</p> <p>5 A Yes.</p> <p>6 Q Do you recall seeing blood in the cell?</p> <p>7 A Yes.</p> <p>8 Q And where did you see the blood in the cell?</p> <p>9 A I think it was on the floor.</p> <p>10 Q Where Mr. Perry had been lying?</p> <p>11 A Yeah. Spots of blood.</p> <p>12 Q Did you make any attempt to determine where Mr. Perry</p> <p>13 was bleeding from?</p> <p>14 A No.</p> <p>15 Q Did you instruct any officers when you saw blood on</p> <p>16 the cell to inspect Mr. Perry to see if he was</p> <p>17 suffering from a head wound?</p> <p>18 A No.</p> <p>19 Q You would agree that in the event the prisoner was</p> <p>20 being truthful when he told an investigating detective</p> <p>21 that he saw Mr. Perry dropped before he was put in</p> <p>22 that cell, dropped on his face, that such a drop could</p> <p>23 cause bleeding from somewhere in the face for Mr.</p> <p>24 Perry, correct?</p> <p>25 A Could you repeat the question?</p>	<p style="text-align: center;">Page 63</p> <p>1 with yourself, Karl Robbins, correct?</p> <p>2 A Mm-hmm.</p> <p>3 Q Is that a yes?</p> <p>4 A Yes.</p> <p>5 Q And this interview was done on September 13th at 10:54</p> <p>6 p.m., correct?</p> <p>7 A Yes.</p> <p>8 Q And when you provided this information, it was in</p> <p>9 relation to Mr. Perry's in-custody death, correct?</p> <p>10 A Correct.</p> <p>11 Q And you understood that the investigating officer</p> <p>12 wanted to get truthful and accurate information,</p> <p>13 right?</p> <p>14 A Correct.</p> <p>15 Q And you provided truthful and accurate information,</p> <p>16 considering you were somebody who had had contact with</p> <p>17 Mr. Perry prior to his death, correct?</p> <p>18 A Correct.</p> <p>19 Q As a matter of fact, you were the person most</p> <p>20 responsible for Mr. Perry's health, safety, and</p> <p>21 welfare while he was at PPS, correct?</p> <p>22 A Correct.</p> <p>23 Q Do you know -- well, strike that. Per this report,</p> <p>24 you were informed that Mr. Perry had struck his head</p> <p>25 earlier in the evening, correct?</p>
<p style="text-align: center;">Page 62</p> <p>1 Q Sure. Let me clean the question up. Assuming for</p> <p>2 purposes of this question that the inmate who was</p> <p>3 interviewed on the evening Mr. Perry died truthfully</p> <p>4 told the investigating detective that he observed Mr.</p> <p>5 Perry dropped on his face before he was placed in A3,</p> <p>6 you would agree that such a drop could result in</p> <p>7 bleeding from Mr. Perry's head and explain what the</p> <p>8 blood on the cell was from.</p> <p>9 A Yes, if it happened.</p> <p>10 Q Okay. Can you give me any other explanation as we sit</p> <p>11 here today why Mr. Perry's blood was on the floor of</p> <p>12 the cell where he was laying?</p> <p>13 A No, I can't give you any explanation.</p> <p>14 Q Did you see how Mr. Perry was taken out of PPS? Did</p> <p>15 you observe that?</p> <p>16 A No.</p> <p>17 Q After Mr. Perry was placed in the cell and you went</p> <p>18 back to your office, did you ever see Mr. Perry again?</p> <p>19 A No.</p> <p>20 (Exhibit 49 identified)</p> <p>21 Q I'm going to show you what we've marked as Exhibit No.</p> <p>22 49. This is one of the documents you reviewed in</p> <p>23 preparation for your deposition here today. This is</p> <p>24 Bates 67 through 69 and is a incident report from the</p> <p>25 Milwaukee Police Department setting forth an interview</p>	<p style="text-align: center;">Page 64</p> <p>1 A Yes. In the bullpen.</p> <p>2 Q All right. And did you relay that information to any</p> <p>3 of the other officers at PPS once Mr. Perry had</p> <p>4 returned from Mount Sinai?</p> <p>5 A Like what other officers?</p> <p>6 Q Any other officers at PPS. Do you recall informing</p> <p>7 them that Mr. Perry went to the emergency room because</p> <p>8 he had a seizure and had struck his head?</p> <p>9 A I don't have to do that.</p> <p>10 Q I'm just asking you if you did.</p> <p>11 A No.</p> <p>12 Q And by the way, as you observed Mr. Perry in the</p> <p>13 bullpen and him being carried to A3, you didn't see</p> <p>14 him bleeding from anyplace on his body, did you?</p> <p>15 A No.</p> <p>16 Q So before he went in the cell, he wasn't bleeding,</p> <p>17 right?</p> <p>18 A I don't know.</p> <p>19 Q Did you see any blood anywhere?</p> <p>20 A I didn't see any blood, no.</p> <p>21 Q No blood on his body?</p> <p>22 A No.</p> <p>23 Q No blood in his spit mask.</p> <p>24 A Right.</p> <p>25 Q Do you know if Mr. Perry's spit mask was removed once</p>

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17 (Pages 65 to 68)

<p style="text-align: center;">Page 65</p> <p>1 he was in A3?</p> <p>2 A No.</p> <p>3 Q You don't know, or it wasn't removed?</p> <p>4 A I don't know.</p> <p>5 Q I'll have to stop asking those bad questions.</p> <p>6 Would there be any reason why Mr. Perry's spit</p> <p>7 mask would be removed once he was placed in A3?</p> <p>8 A If he stopped spitting.</p> <p>9 Q Tell me, at the moment Mr. Perry was placed in A3,</p> <p>10 based on your observations how his physical state of</p> <p>11 health had changed from when you had spoke to him</p> <p>12 earlier in the night prior to him being conveyed to</p> <p>13 the emergency room?</p> <p>14 A I don't understand the question.</p> <p>15 Q Were you able to identify any change in his condition</p> <p>16 from when you had spoke to him earlier in the night to</p> <p>17 the point where he was being carried into A3?</p> <p>18 A I didn't observe him being carried into A3.</p> <p>19 Q What did you observe as to how he entered A3?</p> <p>20 A I was -- I told you I went back to my office.</p> <p>21 Q Did you see Mr. Perry being carried down the hall to</p> <p>22 the cell?</p> <p>23 A Yes.</p> <p>24 Q All right.</p> <p>25 A Yes.</p>	<p style="text-align: center;">Page 67</p> <p>1 stated that Perry advised him that he's supposed to</p> <p>2 take the medication for his condition twice a day."</p> <p>3 Q Immediately prior to that paragraph, you had told the</p> <p>4 investigator that you did not see any injuries on Mr.</p> <p>5 Perry, correct?</p> <p>6 A This is regarding the bullpen incident I'm talking</p> <p>7 about. Talking to him when he was in the bullpen.</p> <p>8 Q Okay. This is what I'm trying to make clear for the</p> <p>9 record.</p> <p>10 A Okay.</p> <p>11 Q So from your first contact with Mr. Perry, relative to</p> <p>12 what you just read into the record --</p> <p>13 A Mm-hmm.</p> <p>14 Q -- until your last contact with Mr. Perry as he was</p> <p>15 being taken down the hallway to A3 --</p> <p>16 A Right.</p> <p>17 Q -- tell me how his physical condition had changed.</p> <p>18 A I don't understand what you're asking me. What you</p> <p>19 mean, "physical condition changed."</p> <p>20 Q What had changed as it relates to Mr. Perry from your</p> <p>21 first contact when he was laying in front of you, had</p> <p>22 a mask on, you didn't observe any injuries, and he was</p> <p>23 responding to your inquiries, until the last contact</p> <p>24 you had with him where he was nonresponsive, had</p> <p>25 urinated and defecated on himself, needed assistance</p>
<p style="text-align: center;">Page 66</p> <p>1 Q All right. From your last contact with Mr. Perry at</p> <p>2 whatever point in time it was, tell me how he was</p> <p>3 different from your first contact with him earlier in</p> <p>4 the evening.</p> <p>5 A He was still the same way. He was still acting the</p> <p>6 same way. He was still kicking, he was still moving</p> <p>7 his head, he was still active.</p> <p>8 Q Let's look at page 2 of 3 of your report. The first -</p> <p>9 - Page 2 of 3, sir. Second page. The first full</p> <p>10 paragraph, starting with, "Robbins stated he observed</p> <p>11 that Perry..." Are you with me as to where I'm at?</p> <p>12 MS. LAPPEN: [Indicating]</p> <p>13 THE WITNESS: Mm-hmm.</p> <p>14 BY MR. GENDE:</p> <p>15 Q Can you read that paragraph into the record, please?</p> <p>16 A I ain't got my glasses. What paragraph are you</p> <p>17 talking?</p> <p>18 Q First full paragraph. "Robbins stated he observed</p> <p>19 that Perry..."</p> <p>20 A "Robbins stated he observed that Perry was conscious</p> <p>21 and breathing, that he, Robbins, asked Perry if he had</p> <p>22 any preexisting medical problems. Robbins relayed</p> <p>23 that Perry, who had a ventilation mask, responded that</p> <p>24 he had seizures, that he has not been talking" --</p> <p>25 taking -- "taking his medication. Lieutenant Robbins</p>	<p style="text-align: center;">Page 68</p> <p>1 in moving, and was shackled at the arms and legs?</p> <p>2 A Well, you have prisoners [sic] carrying him and he was</p> <p>3 moving.</p> <p>4 Q Did you --</p> <p>5 A To the bullpen.</p> <p>6 Q Okay. Do you believe there was any change in physical</p> <p>7 condition from your first contact with him earlier in</p> <p>8 the evening --</p> <p>9 A No.</p> <p>10 Q -- until your last contact with him?</p> <p>11 A No.</p> <p>12 Q He was the same man.</p> <p>13 A Same man.</p> <p>14 Q Did he have to be carried by his arms and legs out of</p> <p>15 PPS after his seizure?</p> <p>16 A I don't recall.</p> <p>17 Q Did he have a spit mask on before he left PPS?</p> <p>18 A I don't recall.</p> <p>19 Q Had he urinated or defecated on himself before he left</p> <p>20 PPS?</p> <p>21 A I don't recall.</p> <p>22 Q Did he have any injuries before he left PPS?</p> <p>23 A I don't recall.</p> <p>24 Q Well, let's look at your report. Okay? We'll start</p> <p>25 on the second page again. It might be easier to start</p>

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18 (Pages 69 to 72)

<p style="text-align: center;">Page 69</p> <p>1 at the first page, last sentence. I'll read it into 2 the record for you. "Lieutenant Karl A. Robbins 3 stated he did not see any other prisoners in the 4 bullpen at the time the prisoner identified as James 5 F. Perry, Jr., was being treated by the Milwaukee Fire 6 Department. Robbins further related that he did not 7 see any injuries on Perry." Did I read that 8 correctly? 9 A Yes. 10 Q Does that refresh your recollection as to whether you 11 observed any injuries on Mr. Perry? 12 A Right. No injuries. 13 Q And despite the fact that he'd had a seizure and had 14 fallen and struck his head, you saw no injuries on his 15 head, correct? 16 A No injuries. 17 Q He wasn't bleeding from his mouth -- 18 A No. 19 Q -- his nose, or his ears, correct? 20 A No. 21 Q Then you read into the record that you observed Perry 22 was conscious and breathing, correct? 23 A Correct. 24 Q That you had asked Mr. Perry regarding preexisting 25 medical conditions, right?</p>	<p style="text-align: center;">Page 71</p> <p>1 Q He either meant to do it or he didn't mean to do it, 2 right? 3 A It's common when prisoners voluntary defecate on 4 themselves. That's not unusual in a prison setting. 5 Q Okay. You agree it's possible that Mr. Perry lost 6 control of his bodily functions, and that's why he 7 urinated and defecated on himself, true? 8 A I'm not a doctor. 9 Q Is it possible that he didn't do it on purpose? 10 A I'm not a doctor. 11 Q Well, how do you know he did it on purpose? 12 A Well, I didn't say -- I'm just telling you. You 13 saying it's involuntary. I'm saying maybe it's 14 voluntary. 15 Q Maybe my question wasn't clear. 16 A It's not clear. 17 Q All right. Let me try and be clear. 18 A Right. I'm not a doctor. 19 Q I'm asking what attempt you made with Mr. Perry to 20 determine whether he voluntarily urinated and 21 defecated on himself? 22 A Nothing. 23 Q So you don't know whether it was voluntary or 24 involuntary. 25 A Correct.</p>
<p style="text-align: center;">Page 70</p> <p>1 A Correct. 2 Q That Mr. Perry was able to converse with you through 3 the ventilation mask, correct? 4 A Correct. 5 Q He was able to respond coherently, correct? 6 A Correct. 7 Q And he even talked about whether he had taken his 8 medication on that day, true? 9 A Correct. 10 Q After he was returned to PPS and you were trying to 11 have a discussion with him, tell me what coherent 12 conversation you had -- 13 A We didn't. 14 Q -- with Mr. Perry. 15 A We didn't. 16 Q Is that a change in condition? 17 A In behavior. 18 Q How about the urination and defecation? Is that a 19 change in condition? 20 A I guess so. 21 Q What attempt did you make to determine whether or not 22 Mr. Perry's urination and defecation was a voluntary 23 or involuntary act on his part? 24 A Involuntary? I mean, I'm just trying to get -- to 25 understand why it would be involuntary.</p>	<p style="text-align: center;">Page 72</p> <p>1 Q And are you aware of any officers in your presence or 2 who told you later that they attempted to determine -- 3 they attempted to determine whether Mr. Perry 4 voluntarily soiled himself or that it was some 5 involuntary act that resulted in him soiling himself? 6 Any officers tell you anything in that regard? 7 A No. 8 Q And you never heard any officer inquire, correct? 9 A No. 10 Q You would agree that a change in condition where 11 somebody involuntarily soils themselves could be an 12 indication of a medical emergency, correct? 13 A I'm not a doctor. I can't make that determination. 14 Q Well, you're not a doctor, but you are -- One of your 15 duties is to visually observe and inquire if you 16 believe somebody under your care, custody, and control 17 is suffering from a medical emergency, right? That's 18 one of your duties? You don't have to be a doctor, 19 right? 20 A Still, you have to make that determination if you're a 21 doctor. I'm not a doctor, so I can't make that 22 determination, whether he's -- he's suffering from a 23 crisis. 24 Q Have you ever called for medical assistance in your 25 career as --</p>

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19 (Pages 73 to 76)

<p style="text-align: center;">Page 73</p> <p>1 A Sure.</p> <p>2 Q -- a police officer? So you were able to make a</p> <p>3 determination when somebody appeared to be suffering</p> <p>4 from a medical emergency, right?</p> <p>5 A Right.</p> <p>6 Q Were you a doctor at that point in time?</p> <p>7 A No.</p> <p>8 Q Why did you have to become a doctor in order to make a</p> <p>9 judgment call as to whether or not Mr. Perry was</p> <p>10 suffering from a medical condition on the night in</p> <p>11 question?</p> <p>12 A He had just came from the hospital.</p> <p>13 Q Meaning what?</p> <p>14 A Meaning he was released from the hospital. He was</p> <p>15 provided with medical assistance.</p> <p>16 Q When he went to the hospital, he had not soiled</p> <p>17 himself, right?</p> <p>18 A We don't know that.</p> <p>19 Q Well, you know that because you wrote a report, or at</p> <p>20 least you provided --</p> <p>21 A Right.</p> <p>22 Q -- information. And did you tell the investigating</p> <p>23 officer after Mr. Perry's death that when he was first</p> <p>24 conveyed he had soiled himself?</p> <p>25 A No.</p>	<p style="text-align: center;">Page 75</p> <p>1 Q Let me ask it in a different way. An inmate under</p> <p>2 your care, custody, and control who soils themselves and</p> <p>3 didn't mean to could be suffering from a medical</p> <p>4 emergency, correct?</p> <p>5 MS. LAPPEN: Objection as to the form of the</p> <p>6 question, and it calls for speculation.</p> <p>7 Go ahead and answer.</p> <p>8 A It hasn't happened since I ever dealt with prisoners</p> <p>9 that they soil themselves involuntarily.</p> <p>10 BY MR. GENDE:</p> <p>11 Q But you made no attempt with Mr. Perry to determine</p> <p>12 whether it was a voluntary or involuntary regarding</p> <p>13 soiling himself on the night in question, correct?</p> <p>14 A Correct.</p> <p>15 Q And you agree that's a change in physical condition,</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q Let's return to the report. You told the</p> <p>19 investigating officer that you received a call from</p> <p>20 Officer Jacks, who told you Perry was refusing to walk</p> <p>21 after being treated, correct?</p> <p>22 A Yes.</p> <p>23 Q And he was released from Aurora Sinai, and you advised</p> <p>24 that they request additional squads to assist in</p> <p>25 transporting Perry back to PPS, correct?</p>
<p style="text-align: center;">Page 74</p> <p>1 Q So according to the report, we know he was coherent,</p> <p>2 noncombative --</p> <p>3 A Mm-hmm.</p> <p>4 Q -- no injuries visible, and had not soiled himself,</p> <p>5 correct?</p> <p>6 A Right.</p> <p>7 Q When he returns to PPS, I believe your prior testimony</p> <p>8 was you did not smell excrement --</p> <p>9 A Right.</p> <p>10 Q -- or urine, correct?</p> <p>11 A Correct.</p> <p>12 Q So we know once he gets back to PPS, at some point in</p> <p>13 time, he soils himself, right?</p> <p>14 A It's possible.</p> <p>15 Q Do you know where else he might have soiled himself?</p> <p>16 A [Shaking head]</p> <p>17 Q And in the event that he soiled himself at PPS, you</p> <p>18 would agree that somebody involuntarily or unable to</p> <p>19 control their bodily functions might be suffering from</p> <p>20 a medical emergency, true?</p> <p>21 A Possible.</p> <p>22 MS. LAPPEN: Objection as to the form</p> <p>23 objection.</p> <p>24 Go ahead and answer.</p> <p>25 MR. GENDE: Okay.</p>	<p style="text-align: center;">Page 76</p> <p>1 A Yes.</p> <p>2 Q And that was because Mr. Perry was not walking of his</p> <p>3 own power?</p> <p>4 A Right. And other reasons.</p> <p>5 Q What other reasons?</p> <p>6 A He was -- I was told that he was combative, he was</p> <p>7 kicking, he was spitting.</p> <p>8 Q Then you go on to tell the investigating officer,</p> <p>9 "Robbins related that due to the required paperwork</p> <p>10 regarding Perry's arrest not being complete, he was</p> <p>11 unable to have Perry transported to the Milwaukee</p> <p>12 County Criminal Justice Facility." Is that a true</p> <p>13 statement?</p> <p>14 A Correct.</p> <p>15 Q So in the event that Perry's paperwork had been</p> <p>16 complete, he would have gone directly to the Criminal</p> <p>17 Justice Facility, true?</p> <p>18 A Yes.</p> <p>19 Q A little further down the report it states, "Robbins</p> <p>20 stated he went out to the booking area hallway and</p> <p>21 observed the officers with Perry and that Perry was on</p> <p>22 the floor by the bench moaning, having a spit mask</p> <p>23 over his face." Is that a true statement?</p> <p>24 A Yes.</p> <p>25 Q Was Mr. Perry groaning when you had seen him earlier</p>

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20 (Pages 77 to 80)

<p style="text-align: center;">Page 77</p> <p>1 in the evening and were talking to him before being</p> <p>2 transported to the emergency?</p> <p>3 A During the time -- During the bullpen? Is that what -</p> <p>4 - what you stating?</p> <p>5 Q No, I --</p> <p>6 A I want to -- I just want to clarify it --</p> <p>7 Q Yeah.</p> <p>8 A -- to make sure that's what you stating.</p> <p>9 Q I'm talking about before he was transferred to the</p> <p>10 emergency room as opposed to once he returned to PPS.</p> <p>11 Okay?</p> <p>12 A No.</p> <p>13 Q I'm distinguishing --</p> <p>14 A No moan-- No moaning and groaning.</p> <p>15 Q No moaning before he left, right?</p> <p>16 A Right.</p> <p>17 Q Before he left to the emergency room? Okay. You go</p> <p>18 on to state that "Robbins continued to relate that</p> <p>19 Perry was conscious and breathing but was somewhat</p> <p>20 incoherent in his actions." Is that true?</p> <p>21 A True.</p> <p>22 Q Okay. So was Perry incoherent in his actions when you</p> <p>23 were speaking to him before he was transferred to the</p> <p>24 emergency room?</p> <p>25 A No.</p>	<p style="text-align: center;">Page 79</p> <p>1 BY MR. GENDE:</p> <p>2 Q Well, based on your -- How many years have you been in</p> <p>3 the police department?</p> <p>4 A Too long.</p> <p>5 Q I'm sorry?</p> <p>6 A Twenty-eight years.</p> <p>7 Q Based on your 28 years --</p> <p>8 A Right.</p> <p>9 Q -- experience in the police department and your</p> <p>10 professional judgment that you're required to use</p> <p>11 every day, especially as a supervising --</p> <p>12 A Mm-hmm.</p> <p>13 Q -- officer most responsible for Mr. Perry's health,</p> <p>14 welfare, and safety while he's in your custody and</p> <p>15 control, did you have an opinion as to whether he</p> <p>16 appeared to be in better shape or worse shape than</p> <p>17 when he had left for the emergency room?</p> <p>18 A Same ways. The way he left -- When he came in, you</p> <p>19 know, it seemed like, yeah, he was basically -- his</p> <p>20 behavior was -- he was combative. That's all I can</p> <p>21 tell you. I'm not a doctor to judge, I mean, his</p> <p>22 physical condition.</p> <p>23 Q You were able to make your observations regarding a</p> <p>24 change in physical condition, correct?</p> <p>25 A Mm-hmm. Right.</p>
<p style="text-align: center;">Page 78</p> <p>1 Q You further relate to the investigator, "Robbins</p> <p>2 stated he observed that Perry had defecated and</p> <p>3 urinated on himself, as his clothing was soiled and an</p> <p>4 odor was emitting from him." Is that a true</p> <p>5 statement?</p> <p>6 A Yes.</p> <p>7 Q Okay. Had you observed that prior to Mr. Perry</p> <p>8 leaving for the emergency room?</p> <p>9 A No.</p> <p>10 Q So that was another change in his condition, right?</p> <p>11 MR. BOHL: Object to the form of the</p> <p>12 question.</p> <p>13 A Yes.</p> <p>14 BY MR. GENDE:</p> <p>15 Q So when he's returned from the emergency room and you</p> <p>16 observe or hear him moaning, you observe or determine</p> <p>17 he is incoherent in his actions, and that he had</p> <p>18 urinated and defecated on himself and there was a foul</p> <p>19 odor emitting from him, did he appear to be in a</p> <p>20 better state of physical health or worse state of</p> <p>21 physical health than when you had sent him to the</p> <p>22 emergency room?</p> <p>23 MS. LAPPEN: Objection as to foundation.</p> <p>24 But go ahead and answer.</p> <p>25 A I'm not a doctor.</p>	<p style="text-align: center;">Page 80</p> <p>1 Q And you made those observations --</p> <p>2 A Mm-hmm.</p> <p>3 Q -- and you related them -- you relayed them to the</p> <p>4 investigating detective, correct?</p> <p>5 A Mm-hmm.</p> <p>6 Q Is that a yes?</p> <p>7 A Yes.</p> <p>8 Q And you relayed those observations truthfully,</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q So you observed three changes in his physical</p> <p>12 condition, correct?</p> <p>13 MS. LAPPEN: Objection to foundation. Form.</p> <p>14 Go ahead. Answer.</p> <p>15 A Correct.</p> <p>16 BY MR. GENDE:</p> <p>17 Q And based on those changes that you observed, that he</p> <p>18 was on the bench moaning, he was incoherent, and he</p> <p>19 had urinated and defecated on himself, did he appear,</p> <p>20 in your opinion with 28 years experience and the</p> <p>21 supervisor most responsible for his health, safety,</p> <p>22 and welfare on the night in question, to be in better</p> <p>23 shape or worse shape than when you had sent him to the</p> <p>24 emergency room earlier in the evening?</p> <p>25 MS. LAPPEN: Objection as to --</p>

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21 (Pages 81 to 84)

<p style="text-align: center;">Page 81</p> <p>1 A I can't --</p> <p>2 MS. LAPPEN: -- as to the form of the</p> <p>3 question.</p> <p>4 But go ahead and answer.</p> <p>5 A I can't answer that question.</p> <p>6 BY MR. GENDE:</p> <p>7 Q You have no opinion?</p> <p>8 A Right. No opinion.</p> <p>9 Q A little further down in your report you state,</p> <p>10 "Robbins related that he made attempts to get the</p> <p>11 paperwork regarding the arrest of James F. Perry</p> <p>12 expedited. And as soon as the paperwork was</p> <p>13 completed, he called Communications and requested a</p> <p>14 prisoner conveyance from PPS to the Milwaukee County</p> <p>15 Criminal Justice Facility." Is that a true statement?</p> <p>16 A That's correct.</p> <p>17 Q Why did you make attempts to get the paperwork</p> <p>18 regarding Mr. Perry expedited?</p> <p>19 A So --</p> <p>20 Q Why was that important to you?</p> <p>21 A To get -- To get the person over to CJF -- I mean, to</p> <p>22 the County, because they have a nurse.</p> <p>23 Q Any other reasons why you attempted to get --</p> <p>24 A That was the only reason. Medical reasons. Because,</p> <p>25 like I said, we ain't a facility. We don't have</p>	<p style="text-align: center;">Page 83</p> <p>1 Q Do you know Officer Richard Lopez and Frank Salinsky?</p> <p>2 Do you know them personally?</p> <p>3 A No.</p> <p>4 Q Did you meet them at PPS when they responded for</p> <p>5 Perry's transport to CJF?</p> <p>6 A I don't recall.</p> <p>7 Q The next paragraph in your report to the investigating</p> <p>8 detective sets forth that Lopez and Salinsky came for</p> <p>9 the transport or conveyance, correct?</p> <p>10 A Yes.</p> <p>11 Q That's a true statement, right?</p> <p>12 A Mm-hmm.</p> <p>13 Q Yes?</p> <p>14 A Yes.</p> <p>15 Q And that when they arrived at CJF, they went to A3 to</p> <p>16 get Mr. Perry, correct?</p> <p>17 A Correct.</p> <p>18 Q And then you state in the last sentence of that</p> <p>19 paragraph, "Police Officer Alexander Ayala, PS014096,</p> <p>20 and Police Officer Luke Lee, PS017099, assisted</p> <p>21 getting Perry from the cell." That was a true</p> <p>22 statement, right?</p> <p>23 A Correct.</p> <p>24 Q And that you, Robbins, "stood by and observed the</p> <p>25 removal of Perry from the cell." Is that a true</p>
<p style="text-align: center;">Page 82</p> <p>1 nurses, we don't have doctors. Our goal is to convey</p> <p>2 prisoners, to get them over to the County jail because</p> <p>3 they have nurses to help them. If he's going through</p> <p>4 a crisis -- If he's going through a crisis, we don't</p> <p>5 have a doctor. I ain't a doctor.</p> <p>6 Q You weren't attempting to expedite anybody else's</p> <p>7 paperwork --</p> <p>8 A Right.</p> <p>9 Q -- that evening, correct?</p> <p>10 A True.</p> <p>11 Q You expedited Mr. Perry's paperwork because you were</p> <p>12 concerned about his crisis and wanted the nurses to</p> <p>13 handle it, right?</p> <p>14 A Right. He was having -- Yeah.</p> <p>15 Q He was in crisis. He --</p> <p>16 A No, I didn't --</p> <p>17 Q You saw --</p> <p>18 A No, I didn't say he was in crisis. I'm saying he's</p> <p>19 having -- His behavior is unusual. We try to get rid</p> <p>20 of people that basically maybe -- that's having --</p> <p>21 what's the word, right word -- inappropriate behavior.</p> <p>22 So you try to get rid of that person.</p> <p>23 Q And you expedited Perry's paperwork to get him to CJF</p> <p>24 because they had nurses there, right?</p> <p>25 A Right.</p>	<p style="text-align: center;">Page 84</p> <p>1 statement?</p> <p>2 A Yes.</p> <p>3 Q Tell me what you observed of Mr. Perry being removed</p> <p>4 from the cell.</p> <p>5 A He was being removed from the cell. He's flaying. I</p> <p>6 mean, he's okay with me. I mean, I don't see any</p> <p>7 need.</p> <p>8 Q Any need for what?</p> <p>9 A Any problems, or anything like that. They're removing</p> <p>10 him from the cell.</p> <p>11 Q Was he able to walk?</p> <p>12 A No, I don't -- I don't believe so.</p> <p>13 Q Were you able to have a coherent conversation with</p> <p>14 him?</p> <p>15 A No, I didn't have a conversation with him.</p> <p>16 Q Did you hear him have a coherent conversation with</p> <p>17 anybody?</p> <p>18 A No.</p> <p>19 Q And then once you saw the aforementioned officers</p> <p>20 carry Mr. Perry out of cell A3, what did you do?</p> <p>21 A I went back to my duties as administrative lieutenant.</p> <p>22 Q Well, isn't it a fact that you went into the cell and</p> <p>23 observed blood at that time?</p> <p>24 A Oh [nodding].</p> <p>25 Q Is that true?</p>

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22 (Pages 85 to 88)

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<p>1 A No. That was after the -- after the person was taken 2 to CJF. 3 Q So after Perry left PPS, you went back in the cell and 4 observed blood. Is that your testimony? 5 A No. After the person deceased and a investigation 6 started, I went back in the cell at that point. 7 Q So you didn't go into the cell until after you heard 8 Mr. Perry had expired, correct? 9 A Correct. 10 Q You go on to relate what your observations were as it 11 relates to Mr. Perry in the next paragraph, 12 "Lieutenant Robbins stated that Perry was ordered to 13 his stomach, which he complied." Is that a true 14 statement? 15 A Yes. 16 Q He wasn't being combative or resistive at that time, 17 right? 18 A Yes. 19 Q He was not being combative or resistive, correct? 20 A Correct. 21 Q You observed Perry then being handcuffed and shackled 22 and picked up from the floor by the officers, correct? 23 A Yes. 24 Q And then you observed Perry being walked out of the 25 cell into the elevator, correct?</p>	<p>1 Q And as a police officer, when you relay information in 2 an accurate and truthful manner, it's in a 3 chronological order so as not to confuse time periods, 4 correct? 5 A I don't understand that. 6 Q Well, tell me, when you write a report, do you try and 7 do it in chronological order? 8 A Yes. 9 Q Why? 10 A Why? 11 Q That's my question. 12 A What's your point? I mean, tell me what you asking. 13 Q As a lieutenant with 28 years experience -- 14 A Right. 15 Q -- on the police department -- 16 A I -- I'm not going -- 17 Q -- I'm inquiring as to why you would do reports in a 18 chronological fashion. 19 A What that's got to -- What's the relevancy regarding 20 this case here? I'm not going to tell you how to -- 21 how to write reports for the police department. You 22 wouldn't understand. 23 Q Try me. 24 A Right. Right. 25 MS. LAPPEN: Answer the best you can.</p>
Page 86	Page 88
<p>1 A Yes. 2 Q You then state that you observed that there was blood 3 in the cell that Perry was in while he was being 4 removed from the cell. Is that a true statement? 5 A Right. 6 Q Is that a true statement, sir? 7 A Yes. 8 Q Okay. You then go on to relate -- Why don't you read 9 that into the record, the next paragraph, sir? 10 A What paragraph are you looking at now? 11 Q The one that begins with, "Robbins related that Squad 12 1290..." 13 A "Robbins related that Squad 1290 left with Perry, and 14 approximately five minutes later he received a 15 telephone call from officers relating that the nursing 16 staff at CJF was refusing to medically approve Perry's 17 admittance to the facility, citing that Perry was 18 spitting up blood. Robbins related later he received 19 a call from Police Officer Floyd Harriell, who told 20 him that Perry collapsed in the sally port of CJF and 21 that the nursing staff was performing CPR on Perry." 22 Q You would agree that when you give information to an 23 officer in a in-custody death investigation that 24 you're trying to be accurate and truthful, correct? 25 A Sure.</p>	<p>1 A You just write reports. That's all I can tell you. 2 That's how we trained. 3 MR. BOHL: It's 12 o'clock. This might be a 4 good time for a break. 5 MR. GENDE: No, it's not a good time. 6 THE WITNESS: Right. 7 MR. GENDE: We're going to complete this 8 line of questioning. 9 A We're trained to write reports that way. 10 Q In a chronological fashion. 11 A Right. 12 Q Why? 13 A That's how we trained. 14 Q Based on your 28 years in the police department -- 15 A Right. 16 Q -- why do you think it's important to write reports in 17 a chronological fashion? 18 A People -- So people can understand the reports. 19 Q People can understand the timing and sequence -- 20 A Right. Right. 21 Q -- of how events occurred, correct? 22 A Mm-hmm. 23 Q That's a yes? 24 A Yes. 25 Q And you don't want that timing and sequence out of</p>

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23 (Pages 89 to 92)

<p style="text-align: center;">Page 89</p> <p>1 order --</p> <p>2 A Right.</p> <p>3 Q -- because it could be confusing, correct?</p> <p>4 A Right.</p> <p>5 Q And you're not trying to confuse people when you're</p> <p>6 writing reports, correct?</p> <p>7 A Correct.</p> <p>8 Q When you received the phone call that Mr. Perry had</p> <p>9 died at CJF less than ten minutes after he left your</p> <p>10 supervision and control, what was your reaction?</p> <p>11 A I was calm.</p> <p>12 Q You were okay?</p> <p>13 A Yes.</p> <p>14 Q Weren't concerned about an inmate who had just been</p> <p>15 under your custody and control having expired minutes</p> <p>16 later?</p> <p>17 A Right.</p> <p>18 Q No concern?</p> <p>19 A Sure, you concerned. You concerned about the family.</p> <p>20 Surprised.</p> <p>21 Q What was surpris--</p> <p>22 A Was concerned about the family.</p> <p>23 Q What were you surprised about?</p> <p>24 A That he passed away.</p> <p>25 Q Were you surprised when you found blood in his cell?</p>	<p style="text-align: center;">Page 91</p> <p>1 Next paragraph: "Lieutenant Robbins stated that</p> <p>2 Perry was ordered to his stomach, which he complied.</p> <p>3 Perry was then handcuffed and shackled and picked up</p> <p>4 from the floor by the officers, who then walked Perry</p> <p>5 out of the cell and to the elevator. Robbins related</p> <p>6 that he observed that there was blood in the cell that</p> <p>7 Perry was in while he was being removed from the</p> <p>8 cell." Those were all true statements, correct?</p> <p>9 A Correct.</p> <p>10 Q Next paragraph: "Robbins related that Squad 1290 left</p> <p>11 with Perry and that approximately five minutes later</p> <p>12 he received a telephone call from an officer relating</p> <p>13 that the nursing staff at CJF was refusing to</p> <p>14 medically approve Perry's admittance to the facility,</p> <p>15 citing that Perry was spitting up blood." Is that a</p> <p>16 true statement?</p> <p>17 A Yes.</p> <p>18 Q Okay. When you told the investigating officer as Mr.</p> <p>19 Perry was being taken out of the cell that you</p> <p>20 observed blood in the cell while he was being removed,</p> <p>21 were you surprised or not surprised when you observed</p> <p>22 that blood?</p> <p>23 A Not surprised -- I mean surprised.</p> <p>24 Q And where do you say in your report --</p> <p>25 A I didn't say anything.</p>
<p style="text-align: center;">Page 90</p> <p>1 A No.</p> <p>2 Q Why did you expect to find blood in Mr. Perry's cell?</p> <p>3 A I was -- I was surprised of his death. I was</p> <p>4 concerned about it, I was concerned about his family.</p> <p>5 Nobody wants to see that a family member has passed</p> <p>6 away.</p> <p>7 Q Now I want to talk about the blood in his cell. And</p> <p>8 you said you weren't surprised to find it. Why</p> <p>9 weren't you surprised to find it?</p> <p>10 A Oh, I mean, I wasn't surprised about his death, I mean</p> <p>11 -- I mean, as far as I experience death a lot on this</p> <p>12 job, so that's what I mean when I'm telling you that.</p> <p>13 Death come often on the police department, so I was</p> <p>14 calm.</p> <p>15 Q Let's talk about the blood you found in his cell.</p> <p>16 A Spots of blood. I mean, that was after the</p> <p>17 investigation started. That's all I, you know, I</p> <p>18 know.</p> <p>19 Q Well, let's just read -- go back to the report so we</p> <p>20 have the right chronology of time here. We'll start</p> <p>21 at the area where it says, "Robbins related that</p> <p>22 Police Officer Alexander Ayala and Police Officer Luke</p> <p>23 assisted getting Perry from the cell, and he" --</p> <p>24 meaning Robbins -- "stood by and observed the removal</p> <p>25 of Perry from the cell."</p>	<p style="text-align: center;">Page 92</p> <p>1 Q -- that there was only spots of blood there?</p> <p>2 MS. LAPPEN: Objection as to the form. It</p> <p>3 isn't his report.</p> <p>4 But go ahead and answer.</p> <p>5 A It's not in the report.</p> <p>6 BY MR. GENDE:</p> <p>7 Q And when you were surprised to find blood in the cell</p> <p>8 where Mr. Perry was while he was being removed, tell</p> <p>9 me why that surprised you.</p> <p>10 A Because I didn't see any blood on him when he came in.</p> <p>11 Q And when you were surprised to see blood in the cell</p> <p>12 where Mr. Perry was while he was being removed, tell</p> <p>13 me who you relayed that information to.</p> <p>14 A No one.</p> <p>15 Q Kept it to yourself.</p> <p>16 A I didn't lay -- relay it to anyone.</p> <p>17 Q So you kept it to yourself, correct?</p> <p>18 A Right.</p> <p>19 Q Any reason why you kept that --</p> <p>20 A No.</p> <p>21 Q -- important information to yourself?</p> <p>22 A No.</p> <p>23 Q And what activity did you undertake at that point in</p> <p>24 time when you saw blood in the cell where Mr. Perry</p> <p>25 was while he was being removed to determine what the</p>

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24 (Pages 93 to 96)

<p style="text-align: center;">Page 93</p> <p>1 cause of that blood was? Nothing, correct?</p> <p>2 A Correct.</p> <p>3 Q And you didn't instruct any of your officers, as the</p> <p>4 supervising lieutenant on the scene, to undertake any</p> <p>5 investigation as to why there was blood in the cell</p> <p>6 where Mr. Perry was that you observed while he was</p> <p>7 being removed, correct?</p> <p>8 A I don't -- That's not my job. That's the job of the</p> <p>9 detectives investigating a in-death custody death. I</p> <p>10 have nothing to do with that.</p> <p>11 Q I'm talking about the moment in question. You are the</p> <p>12 supervising lieutenant most --</p> <p>13 A Right.</p> <p>14 Q -- responsible for the health, safety --</p> <p>15 A Right.</p> <p>16 Q -- and welfare, right?</p> <p>17 A But you don't under--</p> <p>18 Q And I'm just asking you.</p> <p>19 A The thing is -- Right.</p> <p>20 Q Correct?</p> <p>21 A Right.</p> <p>22 Q All right. And when you observed --</p> <p>23 A I --</p> <p>24 Q -- blood and were surprised, and as lieutenant --</p> <p>25 A Right.</p>	<p style="text-align: center;">Page 95</p> <p>1 Q -- investigating officer that there was gobs of blood,</p> <p>2 spit, and feces in the cell? Did you know that?</p> <p>3 A No, I don't.</p> <p>4 Q You would agree that blood on the floor of a cell</p> <p>5 where an inmate is being removed may be suggestive of</p> <p>6 a medical emergency, wouldn't you? Somebody who is</p> <p>7 bleeding from an unknown source could be suffering</p> <p>8 from a medical emergency, right?</p> <p>9 A It's possible.</p> <p>10 Q And what, if anything, did you do to inquire or</p> <p>11 investigate or determine whether at that point in time</p> <p>12 Mr. Perry was suffering from a medical emergency?</p> <p>13 A Nothing.</p> <p>14 MR. GENDE: Okay. Now is a good time to</p> <p>15 take a break. Thank you, Lieutenant.</p> <p>16 THE REPORTER: We're off the record.</p> <p>17 (Off the record 12:10 - 12:56)</p> <p>18 THE REPORTER: We're back on the record.</p> <p>19 BY MR. GENDE:</p> <p>20 Q Lieutenant Robbins, earlier this morning you had</p> <p>21 testified that you are not a doctor and therefore you</p> <p>22 can't provide medical opinions, correct?</p> <p>23 A True.</p> <p>24 Q And because you're not a doctor, you would agree that</p> <p>25 if you are concerned that somebody is suffering from a</p>
<p style="text-align: center;">Page 94</p> <p>1 Q -- most responsible for the health, safety, and</p> <p>2 welfare of Mr. Perry --</p> <p>3 A Right.</p> <p>4 Q -- you provided no direction or command to the</p> <p>5 officers carrying him out to try and determine --</p> <p>6 A They not investigators.</p> <p>7 Q -- what the source of the blood was.</p> <p>8 A They not investigators. You don't know what was said</p> <p>9 when the detectives came to investigate.</p> <p>10 Q The question is, did you provide direction to your</p> <p>11 officers under your command --</p> <p>12 A No.</p> <p>13 Q -- to investigate why Mr. Perry left blood in his</p> <p>14 cell?</p> <p>15 A Right. What he -- He wasn't --</p> <p>16 Q Did you or did you not?</p> <p>17 A He wasn't dead.</p> <p>18 Q He had to be dead before you would investigate the</p> <p>19 source of the blood? Is that your testimony?</p> <p>20 A Well, you can barely see the blood.</p> <p>21 Q Did you say in the report that you could barely see</p> <p>22 the blood?</p> <p>23 A No. There's nothing like that in the report.</p> <p>24 Q Do you know that a janitor went in and told the --</p> <p>25 A No, I don't.</p>	<p style="text-align: center;">Page 96</p> <p>1 medical emergency --</p> <p>2 A Right.</p> <p>3 Q -- you are required to seek medical assistance for</p> <p>4 them over and above what you're capable --</p> <p>5 A True.</p> <p>6 Q -- of supplying, correct?</p> <p>7 A True.</p> <p>8 Q And you would agree that your policy and procedure</p> <p>9 when observing what you believe to be a medical</p> <p>10 emergency is to either call the fire department,</p> <p>11 correct?</p> <p>12 A Correct.</p> <p>13 Q Or an ambulance for conveyance, true?</p> <p>14 A Correct.</p> <p>15 Q Okay. After you were advised that Mr. Perry had died</p> <p>16 at the Criminal Justice Facility, did you have any</p> <p>17 discussions with any of the other police officers</p> <p>18 involved with Mr. Perry at PPS?</p> <p>19 A No. When you mean "other police officers," are you</p> <p>20 talking about the officers I work with at PPS or the</p> <p>21 detectives? I want to make that clear.</p> <p>22 Q I am talking about the officers that you were</p> <p>23 supervising and who had contact with Mr. Perry on the</p> <p>24 evening in question.</p> <p>25 A No.</p>

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25 (Pages 97 to 100)

<p style="text-align: center;">Page 97</p> <p>1 Q Other than the investigating detective regarding the 2 in-custody death, did you have a discussion with 3 anybody about Mr. Perry's death on the evening in 4 question? 5 A No. 6 Q When you were informed that Mr. Perry had passed away 7 at the Criminal Justice Facility less than ten minutes 8 after he had left PPS, did you think back on the 9 events of the evening and what could have been done 10 differently to maybe change the ultimate outcome? 11 A No. Can I expound on the "No"? 12 Q You may. 13 A From the reviewing the reports, I -- From reviewing 14 the reports, I recall -- it's two years ago -- I do 15 recall that Mr. Perry did walk out. When I seen the 16 blood, the reason I didn't -- I didn't call any fire 17 department or anything like that, because when you 18 send him over to CJF facility, they have nurses at 19 that time. When he was walking out, he never said to 20 me personally or in front of my officers that was 21 escorting him out that "Hey, I need medical 22 attention," "I'm hurting," or anything like that. I 23 recall that at that point after -- after I thought 24 about it. When I seen the blood and I knew he was 25 going over to CJF where they have nurses, I knew he</p>	<p style="text-align: center;">Page 99</p> <p>1 A I knew they wasn't going to do it, so no. My 2 testimony was they saying that his paperwork complete 3 [sic], that's why we wasn't going to take him. And I 4 said, "Hey," I mean -- And I don't recall whether the 5 information missing in the report was because of the 6 detectives didn't put enough in the report, or 7 whatever. But it was -- We had to find the report, 8 and we believed the detectives had the report. They 9 couldn't find the report. So I was searching for the 10 report so I can sign it so we can move him towards 11 CJF, because it wasn't going to happen if I didn't 12 have my signature on it and we couldn't find the 13 report. 14 Q I want to focus on the phone call, if any, that you 15 made after you observed blood in Perry's cell and 16 before you were informed he had died on the floor of 17 the Criminal Justice Facility. Did you make a phone 18 call to anybody at CJF during that time period? 19 A No. 20 Q You were concerned about Perry to the extent that you 21 wanted to expedite his conveyance to CJF, correct? 22 A Yes. 23 Q And was your concern heightened or lessened when you 24 observed blood on the floor of his cell as he was 25 being removed?</p>
<p style="text-align: center;">Page 98</p> <p>1 was going to get medical attention. That's why I 2 didn't call anybody right away. 3 Q Did you inform CJF that you had a prisoner being 4 conveyed in need of medical attention who had been 5 bleeding in his cell prior to transport? 6 A Nothing about the cell. But we always call CJF to 7 say, "Hey, we got a combative," or a person that's in 8 medical need. That's always a communication between. 9 Q And did you make that phone call? Do you recall 10 making that phone call? 11 A I can't recall. I made that -- They knew of the 12 prisoner prior to me calling. Did I call that 13 immediately right at that point? No. But I -- They 14 knew of Perry coming because we had talked about that 15 prisoner I think probably all day. And we discussed 16 the paperwork, that the paperwork was inaccurate, 17 because they told me that they didn't have enough 18 information, that the paperwork was inaccurate, CJF's. 19 That's why they didn't take him. So we was talking 20 about Perry periodically all day. I say, "Well, he 21 needs, I mean, he needs you guys to take him whether 22 the paperwork is not complete," so.... 23 Q You told CJF that they needed to take Perry even 24 though his paperwork was not complete? Is that your 25 testimony?</p>	<p style="text-align: center;">Page 100</p> <p>1 A Normal concern, like, you know, any other prisoner 2 that basically comes in that we know, okay, he got 3 high blood pressure, I mean, the person is bleeding, 4 whatever, same concern for everybody. Prison. No 5 different. 6 My concern wasn't no different than any prisoner, 7 any other prisoner that probably I knew that had, you 8 know, that had some type of medical emergency. 9 Because, number one, like you saying, I never -- When 10 he came in, I had never seen him bleeding, he never 11 complained verbally to the officers or me. 12 My officers, generally when you have a prison, 13 they see a prisoner probably in distress or in crisis 14 complain, for example, a prisoner might say, "Hey, I'm 15 going to hang myself or kill myself." They'll come to 16 me right away to give me that information. They 17 wouldn't never keep any information like that away 18 from me. 19 Q You did not identify any area of his body where he was 20 bleeding before the cell door was closed in A3, 21 correct? 22 A Correct. 23 Q You had concern about Mr. Perry at that time because 24 you wanted him in the cell so a closer eye could be 25 kept on him, correct?</p>

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26 (Pages 101 to 104)

<p style="text-align: center;">Page 101</p> <p>1 A True.</p> <p>2 Q All right. You then went to your office to make sure</p> <p>3 paperwork was expedited so you could get Mr. Perry to</p> <p>4 CJF because they had nurses there, right?</p> <p>5 A Correct.</p> <p>6 Q All right. Then when the cell door opened and you</p> <p>7 were observing Mr. Perry being removed from the cell,</p> <p>8 you saw blood on the floor, correct?</p> <p>9 A Correct.</p> <p>10 Q At that point in time --</p> <p>11 A It --</p> <p>12 Q At that --</p> <p>13 A Okay.</p> <p>14 Q -- point in time, did your concern level from what</p> <p>15 you'd previously had based on the information</p> <p>16 available to you heighten or decrease when you saw</p> <p>17 blood on the floor of the cell?</p> <p>18 A No. Because at that time, from what I recall and I</p> <p>19 recall now, that when he was going toward the elevator</p> <p>20 door, he was walking. And I knew he was going over to</p> <p>21 CJF. So was I concerned about him? Yes, I was</p> <p>22 concerned about him. I mean, I'm concerned about any</p> <p>23 -- any prisoners. Like you said, my job is to make</p> <p>24 sure they safe, they healthy, and they maintain they</p> <p>25 health when they leave my prisoner [sic]. I mean,</p>	<p style="text-align: center;">Page 103</p> <p>1 going to act like an animal, we're going to treat you</p> <p>2 like you're in prison"? Was that one way you</p> <p>3 expressed your concern to him?</p> <p>4 MS. LAPPEN: Objection. That's been asked</p> <p>5 and answered, and it's argumentative.</p> <p>6 Go ahead and answer.</p> <p>7 A It was a concern if he was playing games, "jailitis,"</p> <p>8 that's what we call it, didn't want to be in prison.</p> <p>9 Maybe that would have snapped him out of it, gave him</p> <p>10 a, "Okay," you know, "I'm going to jump up, I'm going</p> <p>11 to cooperate with you guys, you know, I'm playing my</p> <p>12 games." That's what I thought it was going to do to</p> <p>13 him. It was going to shock him into complying to our</p> <p>14 -- my directives, to the officers' directives so we</p> <p>15 can process him and move him on to CJF. That was the</p> <p>16 goal. If you asking was that a concern? Yes. I</p> <p>17 wanted to make sure that he moved on to his next -- to</p> <p>18 the processing, CJF. That was my concern.</p> <p>19 BY MR. GENDE:</p> <p>20 Q Now, you've mentioned in your testimony this afternoon</p> <p>21 that you now recall that Mr. Perry was walking out of</p> <p>22 the cell.</p> <p>23 A Yes.</p> <p>24 Q Okay. Is that testimony different from what you</p> <p>25 recalled earlier this morning?</p>
<p style="text-align: center;">Page 102</p> <p>1 it's on my watch. It didn't change, because now he's</p> <p>2 walking, so it was a care concern.</p> <p>3 Q And when you said to Mr. Perry, "If you're going to</p> <p>4 act like an animal, we'll treat you like in prison,"</p> <p>5 was that one way you were expressing this concern for</p> <p>6 his health, safety, and welfare?</p> <p>7 MS. LAPPEN: Objection. Argumentative.</p> <p>8 Go ahead and answer.</p> <p>9 BY MR. GENDE:</p> <p>10 Q You can answer.</p> <p>11 A He wasn't complying. He was spitting, he was kicking.</p> <p>12 I -- All I tried to do -- Like I said, words sometimes</p> <p>13 change a person's negative behavior into a positive</p> <p>14 behavior, to comply with. Like you said, did he</p> <p>15 change his behavior? No, he didn't. But I thought it</p> <p>16 was going to work.</p> <p>17 Q You are testifying for the record how you had</p> <p>18 significant concern for Mr. Perry. And I'm asking you</p> <p>19 specifically, was one way you expressed that</p> <p>20 significant amount of concern for Perry saying to him</p> <p>21 while he had a spit mask on, while he was on the</p> <p>22 ground after he had urinated and defecated on himself,</p> <p>23 while he was unable --</p> <p>24 A Mm-hmm.</p> <p>25 Q -- to respond coherently to inquiries, "If you're</p>	<p style="text-align: center;">Page 104</p> <p>1 A It's something I didn't recall because this was two</p> <p>2 years ago.</p> <p>3 Q What sparked your recollection between --</p> <p>4 A Looking at the report. Okay. Go ahead.</p> <p>5 Q -- from between when we left for lunch and returned</p> <p>6 for this testimony this afternoon?</p> <p>7 A Looking at the report.</p> <p>8 Q And you had reviewed that report. That was one of the</p> <p>9 documents reviewed in preparation for --</p> <p>10 A Right.</p> <p>11 Q -- your deposition, correct?</p> <p>12 A Right.</p> <p>13 Q Okay. So you didn't recall it when you reviewed the</p> <p>14 report in preparation for the deposition.</p> <p>15 A Right.</p> <p>16 Q But when you reviewed it over lunch with your</p> <p>17 attorney, you then recalled the allegation that Mr.</p> <p>18 Perry was able to walk --</p> <p>19 A Yes.</p> <p>20 Q -- out of his cell of his own accord?</p> <p>21 MS. LAPPEN: Objection. That's really</p> <p>22 inappropriate questioning, you know.</p> <p>23 So don't answer the question.</p> <p>24 BY MR. GENDE:</p> <p>25 Q Was your attorney present when you reviewed this</p>

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27 (Pages 105 to 108)

<p style="text-align: center;">Page 105</p> <p>1 report again over lunch?</p> <p>2 A Yes.</p> <p>3 Q And was that the moment when you recalled anew or that</p> <p>4 you recalled Mr. Perry now walked out of his cell</p> <p>5 under his own power?</p> <p>6 A He was escorted. He still had officers on both sides</p> <p>7 of him walk him out.</p> <p>8 Q Was his head up or down?</p> <p>9 A His head was up, walking.</p> <p>10 Q Was he talking to the officers?</p> <p>11 A No.</p> <p>12 Q Do you know whether any of the officers that went in</p> <p>13 the cell to remove Mr. Perry observed the gobs of</p> <p>14 blood, spit, and feces on the floor?</p> <p>15 A No.</p> <p>16 Q Did you smell any odor emitting from the cell when Mr.</p> <p>17 Perry was removed?</p> <p>18 A I smelled that he had defecated, that smell.</p> <p>19 Q Was it a different smell than from what you had</p> <p>20 smelled earlier in the evening when he was on the</p> <p>21 floor of PPS --</p> <p>22 A No.</p> <p>23 Q -- and before he was put in the cell?</p> <p>24 A No.</p> <p>25 Q When did it become important in your mind the</p>	<p style="text-align: center;">Page 107</p> <p>1 Q Was the information that you gathered when you</p> <p>2 observed blood in Mr. Perry's cell as he was being</p> <p>3 removed important enough to tell the other officers</p> <p>4 that were transporting him to CJF?</p> <p>5 A He was being -- I don't know how to phrase that</p> <p>6 question for you. But it was important because he</p> <p>7 already -- he was being conveyed to CJF. Did I -- If</p> <p>8 you asking me did I give them that information, no, I</p> <p>9 didn't.</p> <p>10 Q So it wasn't important enough in your mind to tell the</p> <p>11 transporting officers, "Hey, I'm the lieutenant. I</p> <p>12 saw blood in the cell. Take care of this gentleman"?</p> <p>13 A Yes.</p> <p>14 Q It was not important enough, correct?</p> <p>15 A Not important enough? Everything -- Everything I do</p> <p>16 as far as with a prisoner was important. No, I didn't</p> <p>17 convey. If you asking me, no, I didn't convey that</p> <p>18 information to the officers.</p> <p>19 Q Was it important enough for you to convey that</p> <p>20 information to CJF prior to Mr. Perry being conveyed</p> <p>21 there?</p> <p>22 A No.</p> <p>23 Q Why was it important enough for you to include that</p> <p>24 information when the investigating detective asked you</p> <p>25 questions about your observations on the evening Mr.</p>
<p style="text-align: center;">Page 106</p> <p>1 observation of blood on the cell that you made as Mr.</p> <p>2 Perry was being removed from the cell?</p> <p>3 MS. LAPPEN: Objection to the form of the</p> <p>4 question.</p> <p>5 Go ahead and answer.</p> <p>6 A Can you repeat that? I didn't hear it.</p> <p>7 BY MR. GENDE:</p> <p>8 Q When did it become important in your mind the</p> <p>9 observation of Mr. Perry's blood in the cell when he</p> <p>10 was removed from the cell?</p> <p>11 MS. LAPPEN: Same objection. Form.</p> <p>12 Go ahead and answer if you can.</p> <p>13 A It was always important. It's always important.</p> <p>14 Every prisoner that I deal with in the jail, City</p> <p>15 jail, every prisoner is important.</p> <p>16 BY MR. GENDE:</p> <p>17 Q Was your observation of blood in Mr. Perry's cell as</p> <p>18 he was being removed important enough to convey to any</p> <p>19 of the officers that were transporting him to CJF?</p> <p>20 A He was being conveyed to CJF. I mean, that was --</p> <p>21 Q So --</p> <p>22 A Did I convey that to officers as far as the importance</p> <p>23 of it?</p> <p>24 Q No. That's not my question.</p> <p>25 A Okay.</p>	<p style="text-align: center;">Page 108</p> <p>1 Perry died while he was in custody of the Milwaukee</p> <p>2 Police Department?</p> <p>3 A They didn't ask the information. They didn't ask.</p> <p>4 Q You just volunteered the information to the detective</p> <p>5 that you observed blood on the floor?</p> <p>6 A Yeah, what I observed. The information, yeah. I</p> <p>7 mean....</p> <p>8 Q Okay. Let's go back to the statement you gave to the</p> <p>9 detective on September 13th, 2010, at 10:54 p.m.</p> <p>10 We've marked it as Exhibit No. 49. We're at the</p> <p>11 second page, and I quote, "Lieutenant Robbins stated</p> <p>12 that Perry was ordered to his stomach, which he</p> <p>13 complied. Perry was then handcuffed and shackled and</p> <p>14 picked up from the floor by the officers who then</p> <p>15 walked Perry out of the cell into the elevator.</p> <p>16 Robbins related that he observed that there was blood</p> <p>17 in the cell that Perry was in while he was being</p> <p>18 removed from the cell." That was a true statement,</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q Why did you feel it was important to tell the</p> <p>22 detective that you observed blood in the cell</p> <p>23 regarding this in-custody death investigation?</p> <p>24 A Because that's what I observed.</p> <p>25 Q Why did you feel it was important to tell the</p>

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28 (Pages 109 to 112)

<p style="text-align: center;">Page 109</p> <p>1 detective but you kept that information to yourself 2 before Mr. Perry died? 3 A Because the question was asked. That's all I can tell 4 you. 5 Q What question was asked that -- 6 A I mean, I gave -- 7 Q -- prompted you -- Excuse me, sir. 8 A Right. 9 Q What question -- 10 A I gave them the information regarding the blood. 11 Q What question was asked that prompted you -- 12 A I don't recall. I don't recall. 13 Q -- to explain to the detective that you observed blood 14 in the cell as Mr. Perry was being removed? 15 A I don't recall. 16 Q Is that the first person you told that you had seen 17 blood in Mr. Perry's cell? 18 A Yeah. It was during the investigation. 19 Q I'm just asking if that's the first person you told. 20 A I don't recall. 21 Q Tell me who else you recall telling, other than the 22 detective, after Mr. Perry died? 23 A I don't recall. 24 Q Can you name one person? 25 A I talked to the detectives. That's the first --</p>	<p style="text-align: center;">Page 111</p> <p>1 A Right. He was -- He's -- Don't forget, he was already 2 in the hospital. He came to us, we conveyed him to 3 CJF. 4 Q But you didn't tell CJF that he was bleeding while he 5 was in the cell. So how did they -- How were they 6 able to respond to that important information? 7 A Bleeding? I didn't tell you he was bleeding in the 8 cell. I said I observed blood. 9 Q Tell me how you determined where that blood came from 10 A I don't know. 11 Q Did you attempt to determine it? 12 A I'm not a investigator. I'm, you know, I just make 13 sure the prisoners are safe and make sure they receive 14 first aid if they injured. 15 Q If a prisoner is bleeding in your cell, does that 16 suggest he might be injured? 17 A Right. 18 Q Is that "yes"? 19 A I didn't observe him bleeding. 20 Q The question is, if a prisoner is bleeding in one of 21 your cells, would that suggest to you he might be 22 injured? 23 A Yes. And we'll call the Milwaukee Fire Department, 24 they'll respond, and he'll be conveyed. 25 Q When you observed blood in Mr. Perry's cell as he was</p>
<p style="text-align: center;">Page 110</p> <p>1 Detectives doing the investigation, that's who I told. 2 Q And you're unable to provide me an explanation as to 3 why the first time you relayed you observed blood in 4 Mr. Perry's cell as he was being removed to the 5 detective after Mr. Perry died? 6 A Yes. 7 Q You can't tell me why you didn't tell anybody else, 8 correct? 9 A Correct. 10 Q Was the information to you as the supervising 11 lieutenant most responsible for Mr. Perry's safety, 12 welfare, and health while he was at PPS important that 13 there was blood in his cell as he was being removed? 14 MS. LAPPEN: Objection as to the form of the 15 question. 16 Go ahead and answer. 17 A Yes, it was important. 18 BY MR. GENDE: 19 Q And tell me what you did with that important 20 information that you gathered through your 21 observations as Mr. Perry was being removed -- 22 A He got first aid. 23 Q By whom? 24 A CJF. 25 Q He got first aid --</p>	<p style="text-align: center;">Page 112</p> <p>1 being removed, did you have any information that it 2 was blood other than Mr. Perry's? 3 A No. 4 Q Did you call the Milwaukee Fire Department -- 5 A No. 6 Q -- when you observed that blood? 7 A No. 8 Q Did you call CJF and say we had a inmate where there 9 was blood in the cell? 10 A No. He was on his way to CJF. 11 Q Did you warn CJF -- 12 A He was on his way to CJF. 13 Q -- that you had an inmate that was bleeding? 14 A He was on his way to CJF. He wasn't bleeding. 15 Q Where did the blood come from? 16 A I don't know. 17 Q In the event that one of the Milwaukee Police 18 Department janitors told an investigating -- 19 investigating detective the same night that Mr. Perry 20 died that that janitor found gobs of blood, spit, and 21 feces on the floor of the jail cell, would you have 22 any information to contradict that finding by the 23 janitor? 24 A I didn't observe gob or spit in the cell block. I 25 can't contradict it. If he -- If that's his</p>

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29 (Pages 113 to 116)

<p style="text-align: center;">Page 113</p> <p>1 statement, that's his statement. 2 Q Do you dispute his statement? 3 A I cannot dispute it. 4 Q Do you have any reason to believe as we sit here today 5 that that janitor would provide information -- 6 A No. 7 Q -- to an investigating police detective that would be 8 anything other than truthful? 9 A No. 10 Q When you said to Mr. Perry that he was acting like an 11 animal and he was going to be treated like he was in 12 prison, did any of the other officers in the immediate 13 vicinity respond to that comment by you? 14 A No. 15 Q Did you say it under your breath? 16 A No. 17 Q You said it in a forceful manner to shock Mr. Perry 18 into compliance, correct? 19 A Yes. 20 Q Was there any reason why the officers in the immediate 21 vicinity would be unable to hear your forceful command 22 to Mr. Perry that if he was going to act an animal, 23 we'd treat him like he was in prison? 24 A I'm pretty sure they heard me. 25 Q Why are you sure they heard you, sir?</p>	<p style="text-align: center;">Page 115</p> <p>1 A I guess I was called to come to their location. 2 Q Okay. And what did they say to you? 3 A Well, basically they showed me a video the day of 4 2010. I don't know the exact date. 5 Q How much of the video did they show you? 6 A The part of the statement I made to the prisoner. 7 Q And did you clearly hear yourself make that statement? 8 A Yes. 9 Q Was there any question in your mind whether you made 10 that statement or somebody else, one of the other 11 officers had made that statement? 12 A No. 13 Q And your response to making that statement when being 14 investigated by Internal Affairs was what? 15 A I stated that the prisoner was kicking, spitting, had 16 spit on my pants, and I made the statement to change 17 his behavior, basically to shock him, to get him to 18 comply with that, what I just repeated to you. 19 Q Did you see anywhere in the video where Mr. Perry 20 directed spit towards you? 21 A No. 22 Q Did you tell anybody on the evening in question that 23 Mr. Perry had spit on you? 24 A No. 25 Q Why did it become important a couple of years later</p>
<p style="text-align: center;">Page 114</p> <p>1 A I got a loud voice. 2 Q Nobody took issue with it, did they? 3 A No. 4 Q Nobody said after Mr. Perry died, "Jeez, Lieutenant, 5 you said we were going to treat this guy like an 6 animal and he's dead"? Anybody come up to you and 7 express concern about those comments you made? 8 A No. 9 MS. LAPPEN: Objection as to form of the 10 question. 11 Go ahead and answer. 12 BY MR. GENDE: 13 Q Were you concerned about the comments that you made 14 that Mr. Perry was going to be treated like an animal 15 and he died ten minutes later at the Criminal Justice 16 Facility? 17 A No. 18 MS. LAPPEN: Objection as to the form of the 19 question. 20 Go ahead and answer. 21 A No. 22 BY MR. GENDE: 23 Q How did you become aware that Internal Affairs was 24 going to investigate you for the conduct on the night 25 in question?</p>	<p style="text-align: center;">Page 116</p> <p>1 when you were being investigated by Internal Affairs 2 to suggest that Mr. Perry had spit on you? 3 MS. LAPPEN: Objection. Argumentative. 4 Form of the question. 5 Go ahead and answer. 6 A Because that's what happened. 7 BY MR. GENDE: 8 Q That piece of information that you relayed several 9 years after Mr. Perry's death about him allegedly 10 spitting on you was not relayed on the night you were 11 interviewed relative to his in-custody death, correct? 12 A Correct. 13 Q So at least on the night you were interviewed when Mr. 14 Perry died, the information that he allegedly spit on 15 you was not important enough to give to the 16 investigating detective, true? 17 MS. LAPPEN: Objection as to form and 18 argumentative. 19 Go ahead and answer. 20 A That's correct. 21 BY MR. GENDE: 22 Q Well, can you explain to me why you didn't tell the 23 detective who interviewed you the night Mr. Perry died 24 why you failed to inform him that Mr. Perry allegedly 25 spit on you?</p>

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30 (Pages 117 to 120)

<p style="text-align: center;">Page 117</p> <p>1 A Because the investigation wasn't directed towards me.</p> <p>2 Q Was there anything that prevented you from observing</p> <p>3 blood or feces or spit in Mr. Perry's cell on the</p> <p>4 evening in question?</p> <p>5 A No.</p> <p>6 Q It was properly illuminated, the cell, correct?</p> <p>7 MS. LAPPEN: Objection as to form of the</p> <p>8 question.</p> <p>9 Go ahead and answer.</p> <p>10 A The cell block is dim. I didn't observe any feces.</p> <p>11 BY MR. GENDE:</p> <p>12 Q Is cell A3 illuminated?</p> <p>13 A Yes, I believe so.</p> <p>14 Q And were the lights working that evening?</p> <p>15 A Yes.</p> <p>16 Q I'm going to show you what we've marked as Exhibit No.</p> <p>17 36. Do you know a gentleman by the name of Andrew J.</p> <p>18 Puechner, P-u-e-c-h-n-e-r?</p> <p>19 A No.</p> <p>20 Q At page 3 of 6 of this report done on the evening Mr.</p> <p>21 Perry died, Custodian II, Puechner -- there, about</p> <p>22 halfway down the page -- stated that when he went to</p> <p>23 cell 3, he saw that there were "gobs of spit, blood,</p> <p>24 and fecal matter on the cell floor." Do you see where</p> <p>25 I read that?</p>	<p style="text-align: center;">Page 119</p> <p>1 surrounding the in-custody death of Mr. Perry?</p> <p>2 A No, I don't.</p> <p>3 Q You were not involved in an internal investigation.</p> <p>4 A I believe not. I don't....</p> <p>5 Q Do you what positional asphyxia is?</p> <p>6 MS. LAPPEN: That's "asphyxia."</p> <p>7 MR. GENDE: Thank you for being -- for</p> <p>8 correcting me again.</p> <p>9 Q Do you know what positional asphyxia is?</p> <p>10 A No. I would have to ask a doctor specifically what.</p> <p>11 Q Have you ever received any training from the Milwaukee</p> <p>12 Police Department about positional asphyxia?</p> <p>13 A I think we watched a video years ago, 10 or 15 years</p> <p>14 ago, but I don't recall.</p> <p>15 Q That doesn't refresh your reco--</p> <p>16 A No. No.</p> <p>17 Q -- recollection as to what it is? Did anybody inform</p> <p>18 you on the evening in question that Mr. Perry was</p> <p>19 having difficulty breathing?</p> <p>20 A No.</p> <p>21 Q In the event that Mr. Perry was expressing that he was</p> <p>22 having difficulty breathing to your police officers,</p> <p>23 how would you expect them to handle that?</p> <p>24 A They would call the fire department immediately.</p> <p>25 Q And why would you expect them to do that?</p>
<p style="text-align: center;">Page 118</p> <p>1 A Yes.</p> <p>2 Q He goes on to state that he was mopping the cell floor</p> <p>3 until he was told to stop. Do you know who told him</p> <p>4 to stop mopping the cell floor?</p> <p>5 A No.</p> <p>6 Q Was it you?</p> <p>7 A No.</p> <p>8 Q Do you know why he was told to stop?</p> <p>9 A No.</p> <p>10 Q Do you think that -- Considering a man had died</p> <p>11 minutes after leaving PPS and the cell that had blood</p> <p>12 and feces and spit on it, do you think that cell</p> <p>13 should have been cleaned?</p> <p>14 A No.</p> <p>15 Q Did you go into that cell after you were informed Mr.</p> <p>16 Perry had died and try and preserve any evidence?</p> <p>17 A No.</p> <p>18 Q Did you give an order to anybody under your</p> <p>19 supervision and control to preserve evidence in that</p> <p>20 cell where a man had been less than ten minutes ago</p> <p>21 and now had died on the floor of CJF?</p> <p>22 A I believe Diaz-Berg, I think after he was pronounced</p> <p>23 dead at CJF, that she stayed, she made sure that</p> <p>24 nobody else went into the cell block.</p> <p>25 Q Do you know if there was any internal investigation</p>	<p style="text-align: center;">Page 120</p> <p>1 A Because the person is having a crisis, a medical</p> <p>2 crisis.</p> <p>3 Q In the event that Mr. Perry was complaining that he</p> <p>4 couldn't breathe in the presence of your police</p> <p>5 officers and they failed to call for medical</p> <p>6 attention, were they inside department policies and</p> <p>7 procedures or outside department policies and</p> <p>8 procedures?</p> <p>9 A Both.</p> <p>10 Q Okay. Tell me why it's both.</p> <p>11 A Well, I mean, it can turn out to be a criminal</p> <p>12 investigation for failure to provide medical</p> <p>13 assistance, and plus it's an internal investigation,</p> <p>14 which we have a policy on that, SOPs, to render first</p> <p>15 aid. Uhh -- Oh, nothing.</p> <p>16 Q Were you aware of an unwritten policy with the</p> <p>17 Milwaukee Police Department that if an inmate was</p> <p>18 complaining of difficulty breathing that the response</p> <p>19 was from the officers, "If you're talking, you're</p> <p>20 breathing"? Is that an unwritten policy at the</p> <p>21 Milwaukee Police Department?</p> <p>22 A What you said, "if you're talking that you're</p> <p>23 breathing," could you explain that? I don't....</p> <p>24 Q Was that a unwritten policy at the Milwaukee Police</p> <p>25 Department when Mr. Perry passed away?</p>

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31 (Pages 121 to 124)

<p style="text-align: center;">Page 121</p> <p>1 A I don't understand.</p> <p>2 Q Have you ever heard that phrase before --</p> <p>3 A No.</p> <p>4 Q -- used by Milwaukee police officers?</p> <p>5 A No.</p> <p>6 Q Just so we're clear on the record, if Mr. Perry was</p> <p>7 complaining of difficulty breathing and your police</p> <p>8 officers surrounding him heard him say that, if they</p> <p>9 failed to get or seek medical assistance for him,</p> <p>10 would they be inside or outside the policies and</p> <p>11 procedures of the Milwaukee Police Department?</p> <p>12 A Inside, outside? Are you saying would they be guilty</p> <p>13 of some charge, or something like that or...?</p> <p>14 Q Let me try and make the question more clear. If Mr.</p> <p>15 Perry was complaining of difficulty breathing in the</p> <p>16 presence of your officers --</p> <p>17 A Mm-hmm.</p> <p>18 Q -- and they heard him say that and they failed to get</p> <p>19 him medical attention, would they be in compliance or</p> <p>20 out of compliance with policies and procedures of the</p> <p>21 Milwauk--</p> <p>22 A Out of compliance.</p> <p>23 Q And why would that be?</p> <p>24 A Because they have to provide medical assistance for</p> <p>25 him.</p>	<p style="text-align: center;">Page 123</p> <p>1 A No.</p> <p>2 Q Do you know if the spit mask that had been applied to</p> <p>3 him was creating a problem with Mr. Perry's breathing?</p> <p>4 A No, because it's thin. You can still breathe in it.</p> <p>5 It's a -- like a cotton cup where you still can</p> <p>6 breathe in it.</p> <p>7 Q Now we're going to go back to the internal</p> <p>8 investigation regarding your statement to Mr. Perry a</p> <p>9 couple of years later. Were you provided any other</p> <p>10 officers' statements either corroborating or denying</p> <p>11 your conduct on the night in question or the statement</p> <p>12 that you had made?</p> <p>13 MS. LAPPEN: Objection as to the form of the</p> <p>14 question. It's multiple and vague.</p> <p>15 But go ahead and answer.</p> <p>16 A Are you saying have another officer...?</p> <p>17 BY MR. GENDE:</p> <p>18 Q Let me ask it a different way. You know that</p> <p>19 officers' statements were taken regarding your comment</p> <p>20 to Mr. Perry, correct?</p> <p>21 A Yes.</p> <p>22 Q Were you provided those statements as part of the</p> <p>23 investigation process?</p> <p>24 A Yes.</p> <p>25 Q And when you reviewed those officers' statements</p>
<p style="text-align: center;">Page 122</p> <p>1 Q In the event that you had heard Mr. Perry say, "I</p> <p>2 can't breathe," how would you have responded?</p> <p>3 A Call the fire department immediately.</p> <p>4 Q And why would you have done that, Lieutenant?</p> <p>5 A Because that's the -- the proper thing to do. I'm</p> <p>6 providing medical assistance, and plus, a person is in</p> <p>7 distress.</p> <p>8 Q And you're not a doctor, correct?</p> <p>9 A That's correct.</p> <p>10 Q So you'd want him to get the medical attention that he</p> <p>11 needs because he can't breathe.</p> <p>12 A Correct.</p> <p>13 Q Do you know if any of your officers attempted to</p> <p>14 assist Mr. Perry in breathing better when he</p> <p>15 complained that he was unable to breathe?</p> <p>16 A Did he -- I don't know whether he complained. Is</p> <p>17 there a statement or something that he complained of</p> <p>18 breathing? He didn't complain in front of me.</p> <p>19 Q Let's assume for purposes of my question that on the</p> <p>20 video you can hear Mr. Perry complaining that he can't</p> <p>21 breathe. Okay?</p> <p>22 A Okay.</p> <p>23 Q Are you aware whether any of your officers attempted</p> <p>24 to put him in a more comfortable position, allowing</p> <p>25 him to breathe?</p>	<p style="text-align: center;">Page 124</p> <p>1 regarding your comment to Mr. Perry that "if you're</p> <p>2 going to act like an animal, we're going to treat you</p> <p>3 like you're in prison," did you find any of the</p> <p>4 information those officers provided to be inaccurate</p> <p>5 or untruthful?</p> <p>6 A No.</p> <p>7 Q Do you know what the result of the investigation was</p> <p>8 into your statement?</p> <p>9 A Yes.</p> <p>10 Q What was the result?</p> <p>11 MS. LAPPEN: Answer the question.</p> <p>12 THE WITNESS: Right.</p> <p>13 A Well, I was basically told to retire or I'll be</p> <p>14 demoted.</p> <p>15 BY MR. GENDE:</p> <p>16 Q How much time did the department give you to retire</p> <p>17 before the demotion would take effect?</p> <p>18 A A month.</p> <p>19 Q And your demotion was going to be from lieutenant to</p> <p>20 sergeant?</p> <p>21 A Correct.</p> <p>22 Q And would that have affected your pension benefits?</p> <p>23 A Yes.</p> <p>24 Q And to what extent? Did you run the numbers?</p> <p>25 A No.</p>

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<p style="text-align: center;">Page 125</p> <p>1 Q Who told you from the police department that you were 2 going to either retire or be demoted? 3 A A captain of Internal Affairs Division. 4 Q And what was your response to that? 5 A I was upset. 6 Q Did you make a comment in response? 7 A Yes, I did. 8 Q And what was your comment in response? 9 A Right. Well, me and the chief of police didn't get 10 along anyway, so.... 11 Q I'm asking you about your comment. 12 A Right. You want -- That was the response. I mean, if 13 you ask me was I surprised? No. 14 Q I'm not asking if you were surprised. When the 15 captain sat you down and said, "The results of our 16 investigation confirm that you made the statement in 17 question, and that you spoke inhumanely to a inmate in 18 your custody --" 19 A Right. 20 Q "-- care and control," right? 21 A Right. 22 Q And then that captain said, "As a result, you're 23 either going to retire, Lieutenant Robbins, or you're 24 going to be demoted in 30 days to sergeant." Are you 25 with me so far?</p>	<p style="text-align: center;">Page 127</p> <p>1 times did you use -- 2 A That was just one time. One time. 3 Q Are you currently employed? 4 A Yes, I am. 5 Q And where are you working at now? 6 A MATC. 7 Q In what capacity? 8 A A lieutenant, security. 9 Q You mentioned a few moments ago that you and the chief 10 of police don't get along. What was the dispute 11 between you and Chief Flynn? 12 MS. LAPPEN: I'll just object as to 13 relevance. 14 THE WITNESS: Yeah. 15 MS. LAPPEN: But go ahead and answer. 16 MR. GENDE: Well, he brought it up. Opened 17 the door. 18 A Probably -- Probably his leadership. 19 Q You have issues with Chief Flynn's leadership? 20 A Yeah, you know -- Yeah. 21 Q To what extent? Does he not properly train his 22 people? Is he unfair to -- 23 A Unfair. 24 Q -- minorities? 25 A Unfair. I ain't going to say to minorities. In</p>
<p style="text-align: center;">Page 126</p> <p>1 A Right. 2 Q What did you say to the captain? 3 A Unfair. 4 Q Why did you think it was unfair? 5 A Right. Well, things are always said to prisoners to 6 get them to comply. 7 Q Did you tell the investigating detective from Internal 8 Affairs that it was kind of your common standard and 9 practice to use words to that effect with inmates to 10 gain compliance? 11 A Not common, but those words is -- sometimes I use 12 them. All officers, especially, I would say, from 13 years back, used those comments to get prisoners to 14 comply. 15 Q So it wasn't the first time you had made comments like 16 that to an inmate, correct? 17 A That's correct. 18 Q And you had worked in the jail in the '90s, correct? 19 A Yes. 20 Q And when you worked in the jail in the '90s, how many 21 times did you use that kind of language to get your 22 inmates to comply? 23 A Not often. 24 Q How about as a lieutenant of the Prisoner Processing 25 Section for the Milwaukee Police Department? How many</p>	<p style="text-align: center;">Page 128</p> <p>1 general. 2 Q How is he unfair? 3 A Just like I think he prefer youth over veterans, you 4 know, so.... 5 MR. GENDE: I don't think I have anything 6 further. At this time, I'm going to confer with 7 counsel, and there may be some other questions 8 from the other attorneys. 9 THE REPORTER: Off the record. 10 (Off the record 1:39 - 1:44) 11 THE REPORTER: We're back on the record. 12 BY MR. GENDE: 13 Q Lieutenant, did you find anything amusing on the 14 evening in question as it relates to Mr. Perry's 15 condition or his stay at PPS? 16 A No. 17 Q Did you ever observe on the video you walking around 18 the corner of the hallway, seeing Mr. Perry surrounded 19 by police officers, and then walking away? 20 A Yeah, I walked away. You know, I was talking to -- If 21 you looking at something amusing, you know, if you 22 observe the video, I was standing, talking to another 23 officer who was sitting at the process desk and 24 generally with the computer [demonstrating], and we 25 were having a conversation.</p>

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<p style="text-align: center;">Page 129</p> <p>1 Q Were you laughing about something?</p> <p>2 A It's something that she said. Probably, yes. But</p> <p>3 nothing directed toward the prisoner.</p> <p>4 Q Do you recall a conversation with Officer Jacks or</p> <p>5 Kroes while they were at the emergency room where</p> <p>6 either one of those officers told you, "We don't think</p> <p>7 Mr. Perry should be released," or words to that</p> <p>8 effect?</p> <p>9 A If they would have told me that, there's no way I</p> <p>10 would have -- I mean, at that point, there's no way --</p> <p>11 He would have stayed there. No. That was never given</p> <p>12 to my attention. Why would I bring up -- If they</p> <p>13 saying that he's not ready to be released, why would I</p> <p>14 tell them to bring him back? That wouldn't make no</p> <p>15 sense to me.</p> <p>16 Q Well, I'm just asking you. So if Officer --</p> <p>17 A It was never given -- If they -- I rely -- Like you</p> <p>18 saying, I rely on their information to tell me he's</p> <p>19 not ready to come back. There's no way I'm going to</p> <p>20 bring him back to my facility, I mean, and jeopardize</p> <p>21 this person, you know, collapsing or dying in my</p> <p>22 facility.</p> <p>23 Q So --</p> <p>24 A The City jail.</p> <p>25 Q -- if Officer Kroes or Jacks either put in a report or</p>	<p style="text-align: center;">Page 131</p> <p>1 That's true.</p> <p>2 Q Do you recall either one of those conveying officers</p> <p>3 informing you that Perry was spitting while he was at</p> <p>4 the hospital?</p> <p>5 A Yes.</p> <p>6 Q Do you recall whether those officers told you that</p> <p>7 Perry was kicking while he was at the hospital?</p> <p>8 A Yes.</p> <p>9 Q Do you recall whether those officers told you that</p> <p>10 Perry was being combative while at the hospital?</p> <p>11 A Kicking, spitting. Yes.</p> <p>12 Q Do you recall whether those officers expressed to you</p> <p>13 whether they believed Perry was in a better state of</p> <p>14 health when he was released from the hospital as</p> <p>15 opposed to the time when he was taken to the emergency</p> <p>16 room?</p> <p>17 A They didn't make a statement like that. But they just</p> <p>18 saying that he was combative, spitting, kicking.</p> <p>19 Q Do you know how long Officer Kroes and Jacks waited in</p> <p>20 the sally port once they returned from the emergency</p> <p>21 room to PPS before they brought Mr. Perry up to PPS?</p> <p>22 A I would say about an hour.</p> <p>23 Q Do you know why they were waiting for an hour in the</p> <p>24 sally port?</p> <p>25 A No, I don't. I think maybe -- I mean, at the hospital</p>
<p style="text-align: center;">Page 130</p> <p>1 testify that when they called you and said they didn't</p> <p>2 think Mr. Perry should be released, you deny --</p> <p>3 A I --</p> <p>4 Q -- receiving that information.</p> <p>5 A I deny receiving that information.</p> <p>6 Q Because in the event that Officer Jacks or Kroes</p> <p>7 believe that Mr. Perry --</p> <p>8 A Right.</p> <p>9 Q -- should not be released, then you as the supervisor</p> <p>10 would say he must stay there, do not convey him</p> <p>11 anywhere else.</p> <p>12 A Not -- Speaking from a doctor's standpoint, if the</p> <p>13 doctor said, "Hey, I'm not going to treat him, he's</p> <p>14 being released," I can't make -- I can't make -- I</p> <p>15 can't make that determination from a doctor's</p> <p>16 standpoint. But if they saying, "Well, look, he can't</p> <p>17 be released," the doctor -- I mean, they must have</p> <p>18 talked to the doctor, not me. But I never heard that</p> <p>19 comment coming from them.</p> <p>20 Q Do you recall Jacks calling you and you telling Jacks</p> <p>21 that if the hospital released Perry, there was nothing</p> <p>22 the Milwaukee Police Department can do, and that they</p> <p>23 should bring Mr. Perry back the best they can?</p> <p>24 A Yeah. I recall that. I told them -- Yeah, I mean, if</p> <p>25 the doctor release him, there's nothing we can do.</p>	<p style="text-align: center;">Page 132</p> <p>1 -- in the sally port?</p> <p>2 Q Yes.</p> <p>3 A No, I don't. Generally, it can be a lot of reasons.</p> <p>4 Sometimes CJF can get busy with other prisoners. The</p> <p>5 suburbs bring they prisoners to the County jail. But</p> <p>6 I'm speculating at that point.</p> <p>7 Q Okay. We don't want you to speculate.</p> <p>8 A Right.</p> <p>9 Q And finally, if officers in the presence of Mr. Perry</p> <p>10 heard him say, "I can't breathe," or, "I think you're</p> <p>11 killing me," or, "Someone help me," or words to that</p> <p>12 effect, do those officers have an obligation to report</p> <p>13 that information to you as their supervising</p> <p>14 lieutenant?</p> <p>15 A True.</p> <p>16 Q And why do they have that obligation?</p> <p>17 A I mean, it's -- I mean, number one, it's SOPs, and</p> <p>18 number two, it's the right thing to do.</p> <p>19 Q It's the right thing to do because in the event that</p> <p>20 that inmate is actually having trouble breathing --</p> <p>21 A Right.</p> <p>22 Q -- or feels like he might be dying as a result of the</p> <p>23 officers' actions, or needs help --</p> <p>24 A Right.</p> <p>25 Q -- then it's the Milwaukee Police Department's</p>

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1 philosophy and policy and procedure to get medical aid
2 for that person.

3 A Sure. And seeing they're in -- before they call me,
4 and I always tell them, before they call me, a
5 Milwaukee Police Department rescue team should be on
6 they way.

7 Q And that's my next question. The police officers that
8 we're talking who were involved with Mr. Perry,
9 whether inside or outside your presence, they don't
10 have to ask for your permission to call for medical
11 assistance in the event they believe someone is in
12 need of medical attention, correct?

13 A Correct.

14 Q Every police officer on the department can make the
15 call if they think it's necessary, right?

16 A Correct. We on the same page with that.

17 MR. GENDE: Okay. I don't have anything
18 further. Thank you for your time, Lieutenant.

19 THE WITNESS: No problem.

20 THE REPORTER: Is there anything further?
21 There being nothing further for the record, the
22 deposition is concluded at 1:51. Off the record.

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